

1927

c 233 Municipal Act

Ontario

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CHAPTER 233.

The Municipal Act.

*Preliminary.*Interpreta-
tion.**1.** In this Act,"Arbitra-
tion."

- (a) "Arbitration" shall mean an arbitration under the provisions of this Act.

"Bridge."

- (b) "Bridge" shall mean a public bridge, and shall include a bridge forming part of a highway or on, over or across which a highway passes.

"City."
"Town."
"Village."
"Township."
"County."

- (c) "City," "town," "village," "township," and "county" shall respectively mean city, town, village, township or county, the inhabitants of which are a body corporate within the meaning and for the purposes of this Act.

"Electors."

- (d) "Electors," when applied to a municipal election, shall mean the persons entitled to vote at a municipal election, when applied to voting on a money by-law shall mean the persons entitled to vote on the by-law and when applied to voting on any other by-law or on a resolution or question unless otherwise provided by the Act, by-law, or other authority under which the vote is taken, shall mean municipal electors.

"Highway."

- (e) "Highway" shall mean a common and public highway, and shall include a street and a bridge forming part of a highway, or on, over or across which a highway passes.

"Land."

- (f) "Land" shall include lands, tenements and hereditaments, and any estate or interest therein, and any right or easement affecting them, and land covered with water.

"Local Muni-
cipality."

- (g) "Local municipality" shall mean a city, a town, a village and a township.

"Member."

- (h) "Member" or "members," referring to a member or members of a council shall include the head of the council, and a member or members of a Board of Control.

- (i) "Money by-law" shall mean a by-law for contract-^{"Money by-law."}
ing a debt or obligation or for borrowing money.
- (j) "Municipal Board" shall mean Railway and Muni-^{"Municipal Board."}
cipal Board.
- (k) "Municipal electors" shall mean the persons en-^{"Municipal electors."}
titled to vote at a municipal election.
- (l) "Municipality" shall mean a locality, the inhabi-^{"Municipality."}
tants of which are incorporated.
- (m) "Population" shall mean population as deter-<sup>"Popula-
tion."</sup>
mined by the last preceding census taken under
the authority of the Parliament of Canada, or
under a by-law of the council, or by the last pre-
ceding municipal enumeration by the assessor
whichever shall be the latest or by such means
as the Municipal Board may direct.
- (n) "Prescribed" shall mean prescribed by or under<sup>"Pre-
scribed."</sup>
the authority of this Act.
- (o) "Published" shall mean published in a newspaper^{"Published."}
in the municipality to which what is published
relates, or which it affects, or if there is no news-
paper published in the municipality, in a news-
paper published in an adjacent or neighbouring
municipality; and "publication" shall have a<sup>"Publica-
tion."</sup>
corresponding meaning.
- (p) "Separated town" shall mean town separated for<sup>"Separated
town."</sup>
municipal purposes from the county in which it
is situate.
- (q) "Supreme Court" shall mean Supreme Court of<sup>"Supreme
Court."</sup>
Ontario.
- (r) "Township" shall include a union of townships,^{"Township."}
and a municipality composed of two or more
townships.
- (s) "Two-thirds vote" shall mean the affirmative vote<sup>"Two-thirds
vote."</sup>
of two-thirds of the members of a council present
at a meeting thereof.
- (t) "Unorganized territory" shall mean that part of<sup>"Unorgan-
ized terri-
tory."</sup>
Ontario without county organization.
- (u) "Urban municipality" shall mean and include a<sup>"Urban muni-
cipality."</sup>
city, a town and a village. 1922, c. 72, s. 2.

When
evidence
may be taken
in shorthand.

2.—(1) Where under the provisions of this Act evidence is taken orally before a special examiner or a judge he may direct that the same be taken in shorthand by a stenographic reporter.

Fees of
reporter,
how paid.

(2) The fees of the stenographic reporter including those for the transcribing of his notes shall be paid by the party on whose behalf the evidence is taken, and the same shall form part of the costs of the proceedings in which the evidence is taken. 1922, c. 72, s. 3.

Registration
in office of
land titles.

Rev. Stat.
c. 158.

3. Where registration in a registry office is prescribed or provided for by this Act it shall mean where *The Land Titles Act* is applicable, registration in the office of the Master or Local Master of Titles of the locality in which the land is situate. 1922, c. 72, s. 4.

When
occupant
deemed to
be owner.

4. A person in the actual occupation of land under an agreement with the owner for the purchase of it shall be deemed to be the owner, and the unpaid purchase money shall be deemed to be an encumbrance on the land. 1922, c. 72, s. 5.

Power to
acquire
includes ex-
propriation.

5. Where power to acquire land is conferred upon a municipal corporation by this or any other Act, unless otherwise expressly provided, it shall include the power to acquire by purchase or otherwise and to enter on and expropriate. 1922, c. 72, s. 6.

Special Acts
not affected.

6. Except where otherwise expressly provided, this Act shall not affect the provisions of any special Act relating to a particular municipality. 1922, c. 72, s. 7.

Corporations.

Inhabitants
of municipi-
alities to
be bodies
corporate.

7. The inhabitants of every county, city, town, village, and township shall be a body corporate for the purposes of this Act. 1922, c. 72, s. 8.

Names of
municipal
corporations.

8. The name of the body corporate shall be "*The Corporation of the County [United Counties, City, Town, Village, Township (as the case may be)], of (naming the municipality.)*" 1922, c. 72, s. 9.

Council to
exercise
corporate
powers.

9. The powers of a municipal corporation shall be exercised by its council. 1922, c. 72, s. 10.

PART I.

*FORMATION OF NEW CORPORATIONS AND
ALTERATIONS OF BOUNDARIES OF
MUNICIPALITIES.*

10. In this Part, "district" shall mean part of a town-^{"District," meaning of.}ship or parts of two or more townships which it is proposed to erect into a village or town or part of a township which it is proposed to add to another municipality, or the part so erected or added, as the case may be. 1922, c. 72, s. 11.

11. Under and subject to the provisions and conditions^{Erection of village^m} hereinafter mentioned, a district may be erected into a village by the council of the county in which it is situate, or if the district comprises parts of two or more counties by the council of the county in which the larger or largest part of the district is situate. 1922, c. 72, s. 12.

12.—(1) Where a petition, signed, if the district or part^{Procedure for erection of village.} of it lies within one mile of the limits of a city having a population of not less than 100,000, by at least two-thirds and in other cases by at least one-half of the freeholders representing at least one-half of the assessed value of the lands in the district and resident tenants of the district whose names are entered on the last revised assessment roll of the municipality in which the district is situate, and in the case of tenants who have been resident in the district for at least four months next preceeding the presentation of the petition, all of the petitioners being British subjects of the full age of 21 years, and at least one-half of them freeholders, praying for the erection of the district into a village, is presented to the council, the council, if the district has a population exceeding 750, shall, within three months after the presentation of the petition, pass a by-law erecting the district into a village, declaring the name which it shall bear and its boundaries. 1922, c. 72, s. 13 (1); 1927, c. 61, s. 2 (1).

(2) Opposite the name of every petitioner there shall be^{Lot of petitioner to be designated.} shown, by reference to the number of the lot, the land owned or occupied by him, and where it is or forms part of a lot laid down on a registered plan, the reference shall be to the number of the lot according to the plan, and the petition shall also show whether the petitioner is a freeholder or resident tenant.

(3) A petition shall be deemed to be presented when it^{Presentation of petition.} is lodged with the clerk, and the sufficiency of the petition shall be determined by him and his certificate shall be conclusive in reference thereto.

Special
census.

(4) The number of the inhabitants of the district shall be ascertained by a special census taken by direction of the council. 1922, c. 72, s. 13 (2-4).

Time for
passing
by-law.

(5) The by-law shall not be passed before the expiration of one month after the presentation of the petition, nor until further notice has been given of the meeting of the council at which it is intended to take it into consideration. 1922, c. 72, s. 13 (5); 1927, c. 61, s. 2 (2).

Publication
of notice
as to con-
sideration
of by-law.

(6) The notice shall be published at least once a week for two successive weeks, during the two months next preceding the meeting and shall contain a description of the district sufficiently full to indicate the land which it is intended to embrace in the proposed village. 1922, c. 72, s. 13 (6); 1927, c. 61, s. 2 (3).

Expenses of
census, etc.

(7) The council may require that the expenses of taking the census and of publishing the notice be paid by the petitioners, or that a sum sufficient to defray them be deposited with the clerk.

By-law to
be published
in Ontario
Gazette.

(8) The clerk shall forthwith, after the passing of it, transmit a certified copy of the by-law to the Provincial Secretary, who shall cause notice of it to be published in the *Ontario Gazette*.

Time for
applying
to quash
by-law.

(9) After the expiration of three months from the publication of the notice of the by-law, and after the final disposition of any application to quash it made within that period, if the application is unsuccessful, the by-law shall not be liable to be quashed on any ground, and the village thereby erected shall be deemed to have been duly erected in accordance with the provisions of this Act. 1922, c. 72, s. 13 (7-9).

Area of
town or
village in
a county.

13.—(1) Subject to subsection 2, the area of a town or village hereafter erected shall not exceed five hundred acres for the first thousand or less, with two hundred acres or fraction thereof added for each additional one thousand or fraction thereof in excess of one thousand of its population.

In unorgan-
ized territory.

(2) In unorganized territory, the area of a town shall not exceed 750 acres for the first 500 of its population, with 300 acres or fraction thereof added for each additional 500 of its population or fraction thereof.

No addition
beyond
prescribed
area.

(3) An addition shall not be made to any town or village which will have the effect of increasing its area beyond the prescribed area.

Highways,
parks, etc.,
not to be
included
in area.

(4) Land occupied by highways, parks, and public squares and land covered by water shall be excluded in determining the area. 1922, c. 72, s. 14.

14.—(1) Where a village comprises parts of two or more counties, it shall be annexed to, and form part of, that one of them which shall be agreed on by the councils, or which, failing an agreement within six months after the presentation of the petition, the Lieutenant-Governor in Council may by proclamation direct.

Annexation of village in two or more counties to one county.

(2) If an agreement is come to, the clerk of each of the councils shall forthwith notify the Provincial Secretary of it, and if an agreement is not come to within the period mentioned in subsection 1, shall forthwith, after the expiration of that period, notify the Provincial Secretary of the fact.

Agreement between councils as to annexation of village.

(3) Where the councils agree as to the county to which the village shall be annexed, the Provincial Secretary shall forthwith, after notice of the agreement, cause to be published in the *Ontario Gazette* notice of the county to which the village has been annexed. 1922, c. 72, s. 15.

If councils agree notice to be published in Gazette.

15. A police village may be erected into a village in the manner and subject to the conditions mentioned in section 12. 1922, c. 72, s. 16.

Erection of police village into a village.

16. The Municipal Board may, upon the application of the council of a village, annex a district to it where from the proximity of the streets or buildings in the district or the probable future exigencies of the village, the Board deems it expedient. 1922, c. 72, s. 17.

Annexation of district to village.

17.—(1) The Municipal Board may annex land in unorganized territory to an adjacent incorporated township therein, and may also, on the application of two or more adjacent townships in such territory form them, with or without additional territory, into one township municipality, bearing such name as the Board may direct.

Annexation of land to township in unorganized territory.

(2) The Board, on the application of the council of a city or town in unorganized territory, may annex to the city or town the whole or any part of an adjoining unorganized township, on such terms and conditions as may be determined by the Board. 1922, c. 72, s. 18.

Annexation of land to city or town in unorganized territory.

18.—(1) Subject to subsection 2 of section 13, the Municipal Board may, upon the application of not less than 75 male inhabitants of the locality, each of the full age of twenty-one years, incorporate as a town the inhabitants of a locality having a population of at least 500, and situate in one or more of the provisional judicial districts, whether or not it lies within an existing township municipality.

Incorporation of towns in unorganized territory.

(2) The order of the Board shall declare the name which the town shall bear, and its boundaries, and the date when the incorporation shall take effect, and shall also provide

Order of Board.

for the apportionment, collection and payment over of the taxes for the current year. 1922, c. 72, s. 19.

Erection
of cities
and towns.

19.—(1) The Board may erect a town having a population of not less than 15,000 into a city, and a village having a population of not less than 2,000 into a town, and declare the name which it is to bear.

Part of
township
may be
included.

(2) Where, from the proximity of streets or buildings or the probable future exigencies of the newly erected city or town, the Board deems it desirable that part of one or more adjacent townships should be included in it, the Board may, subject to the provisions of subsection 6, detach such part from the township or townships and annex it to the newly erected city or town.

Division
into wards.

(3) The newly erected city or town shall be divided into wards bearing such numbers or names as the Board may direct.

Number
of wards.

(4) The number of wards in the town shall not be less than three, and each of the wards in the city or town shall have a population of not less than five hundred.

Notice of
application.

(5) Notice of the application for the erection of the town into a city or of a village into a town shall be published at least once a week for three months.

Part of
township
included to
be described.

(6) Where it is proposed that part of one or more adjacent townships shall be embraced in the newly erected city or town, the notice shall so state and shall designate the part proposed to be embraced therein.

Force of
order.

(7) The order shall be conclusive evidence that all conditions precedent to the making of it have been complied with, and that the city or town has been duly erected in accordance with the provisions of this Act. 1922, c. 72, s. 20.

Adding
territory
to city or
town.

20.—(1) Where the council of a city or town by resolution declares that it is expedient that part of an adjacent township should be annexed to the city or town, and the majority of the municipal electors in such part petition the Board to add the same to such city or town, and after due notice of such resolution and petition has been given by the council of such city or town to the council of such adjacent township, and also, where the part is proposed to be added to a city or to a separated town to the council of the county in which the township is situate, the Board may, by order to take effect upon a day to be named therein, annex such part to the city or town upon such terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements, or otherwise, as may have been agreed upon or as shall be determined by the Board. Provided, however, that

should the terms and conditions agreed upon not meet with the approval of the Board, the petitioners or the city or town may withdraw from the proposed annexation.

(2) In case there are no municipal electors in such part of the adjacent township, no petition shall be required, but notice of such resolution shall be given by the council of such city or town to the above-mentioned councils and also to the owners, if any, of lands in such part of the adjacent township.

Procedure when no municipal electors.

(3) The order may, before it takes effect, be amended in any respect by a further order, and may at any time when it does not correctly set forth the terms and conditions as to the adjustment of assets and liabilities, taxation, assessment, improvements or otherwise agreed upon, be amended to conform with the agreement.

Amendment of order.

(4) The Board may direct that a vote be taken for determining whether or not the majority of the municipal electors of the part proposed to be annexed are in favour of its being annexed, and may fix the time and place for the taking of the vote, name the returning officer and make such other provisions as may be deemed necessary. 1922, c. 72, s. 21.

Board may order vote to be taken

21.—(1) Upon the application of the council of any town or village or of such number of the owners of any lands therein wholly used for farming purposes as shall represent at least three-fifths of the amount of the assessed value of all the lands proposed to be detached from such town or village the Municipal Board may, after hearing representatives of the town or village, and of the owners of such farm lands, and of the adjoining municipality to which it is proposed to annex the lands, make an order detaching such farming lands or any part thereof from the town or village and annexing the same to an adjoining municipality on such terms and conditions as to the adjustment of the assets and liabilities, and upon such other terms and conditions as may have been agreed upon between the municipalities interested, or in default of agreement as may be determined by the Board.

Authority of Municipal Board to separate farm lands from towns and villages

(2) If the interest of the land detached in the assets of the town or village from which they are detached exceeds its proportion of the liabilities thereof, that corporation shall pay to the corporation of the municipality to which the lands are annexed the amount of the excess, but if the land's proportion of such liabilities exceeds its interest in such assets the corporation of the municipality to which the lands are annexed shall pay to the corporation of the town or village from which the lands are detached the amount of the excess, and the order of the Board shall set out the amount to be paid by one municipality to the other accordingly. 1922, c. 72, s. 21.

Adjustment of assets and liabilities to be determined by the Board.

Adding
territory to
municipality
in another
county.

22. Where territory constituting or forming part of a local municipality becomes part of a local municipality in another county, it shall thereafter form part of that county except for the purpose of representation in the Assembly. 1922, c. 72, s. 22.

Annexation
of town or
village to
adjacent
urban munici-
pality.

23.—(1) The Board may annex a town or a village to an adjacent urban municipality, where:

(a) The councils of the town or village and of the adjacent urban municipality by by-law assent to the annexation; and

(b) The assent of the municipal electors of the town or village is given to the by-law of the council thereof.

Provisions
of by-law.

(2) Subject to the provisions of subsection 5, the by-law may provide for the annexation unconditionally, or on such terms as may be deemed expedient.

New city or
town may be
erected.

(3) If the urban municipality to which the town or village is annexed has the requisite population, it may be erected into a city or town bearing such name as the Board may direct.

Division
into wards.

(4) Such redivision into wards of the city or town as the annexation renders necessary shall also be made.

By-law to be
submitted on
petition of
150
electors.

(5) If a petition, signed by at least 150 electors of a town or village, praying that it may be annexed to an adjacent urban municipality, either unconditionally or on such terms as may be stated in the petition, is presented to the council of the town or village the council shall within four weeks after the presentation of the petition submit to the electors of the town or village for their assent thereto, a by-law providing for its annexation on the terms mentioned in the petition. 1922, c. 72, s. 23.

[*As to formation of new Townships, see Rev. Stat., c. 3, s. 10.*]

Townships.

Formation
of townships
in unorga-
nized
territory.

24.—(1) The inhabitants of a township in unorganized territory having a population of not less than 100, and the inhabitants of a locality not surveyed into townships, having an area of not more than 20,000 acres and a population of not less than 100, may become incorporated as a township municipality.

Petition
for incor-
poration.

District
Judge to
call meeting.

(2) Upon the receipt of a petition praying for incorporation, signed by not less than 30 of the resident householders of the township or locality, and defining the limits of the proposed municipality, and a deposit being made of a sum

sufficient to defray the expenses of the meeting to be held as hereinafter mentioned, a judge of the district court of the Provisional Judicial District in which the township or locality is situate may call a meeting of the inhabitants of it to consider the expediency of becoming incorporated and to choose a reeve and four councillors for the proposed municipality, and he shall name a fit person to be the chairman of the meeting, and make such provisions as he may deem proper for the conduct of the meeting and the manner of choosing the reeve and councillors; and notice of the meeting shall be given in such manner as the Judge shall direct.

(3) Every resident householder of the full age of 21 years and a British subject shall be entitled to vote and every resident male householder of the full age of 21 years and a British subject to be elected as reeve or councillor at such meeting. Qualification at first election.

(4) The chairman shall preside at the meeting and shall record the votes given, and in the case of an equality of votes between two candidates for the office of reeve or councillor he shall give the casting vote, and he shall forthwith, after the close of the meeting, make a report in writing of the result of it to the judge. Chairman of meeting.

(5) The report shall contain a statement of the votes given for and against the proposed incorporation, and for and against each person proposed for reeve or councillor, and shall be verified by the oath of the chairman. Report to Judge.

(6) If it appears to the judge from the report that a majority of the inhabitants present at the meeting voted in favour of incorporation, and that those so voting number or include not less than 30 resident holders and no objection to the report or to the manner in which the meeting was conducted or the reeve and councillors were chosen has been filed with the judge within 10 days after the receipt by him of the report, the Judge shall declare in writing, Form 1, the inhabitants of the township or locality to be incorporated in accordance with the prayer of the petition and state the persons who were elected as reeve and councillors and fix the time and place for the first meeting of the council, and shall forthwith transmit to the Minister of Lands and Forests, and to the Provincial Secretary, a certified copy of the declaration, and the Provincial Secretary shall thereupon cause notice of it to be published in the *Ontario Gazette*. Declaration of incorporation.

(7) If such an objection is filed within the prescribed time the Judge shall hear and determine the matter complained of, and if he finds that the complaint is well founded shall call a new meeting and perform the other duties assigned to him by subsections 2 and 6. Hearing objections.

When incorporation complete.

(8) The incorporation shall be deemed to be complete when the Judge has signed the declaration, but shall not take effect until the 31st day of December following. 1922, c. 72, s. 24.

Union of Townships.

Union of townships.

25. A union of townships shall consist of two or more townships united for municipal purposes and having in common, as if one township, all offices and institutions established by law pertaining to township municipalities. 1922, c. 72, s. 25.

Annexation of new townships in unorganized territory to a county.

26. The Lieutenant-Governor in Council may, by proclamation, annex a township, or two or more townships lying adjacent to one another laid out by the Crown in unorganized territory, to any adjacent county, and may erect the same with another township of such county into a union of townships. 1922, c. 72, s. 26.

Incorporation of union of townships.

27.—(1) The inhabitants of two or more townships in unorganized territory, adjacent to one another, and having in the aggregate a population of not less than 100, may become incorporated as a union of townships.

Proceedings.

(2) The proceedings for and incidental to the incorporation and the election of the members of the first council shall be the same as provided by section 24. 1922, c. 72, s. 27.

Union of junior township, after separation, with adjoining township.

28. If two-thirds of the resident freeholders and tenants of a junior township whose names are entered on the last revised assessment roll petition the council of the county to be separated from the union to which it belongs, and to be attached to another adjoining township in the county, and the council considers that the interest and convenience of the inhabitants of the township would be promoted thereby, such council may separate it from the union, and may erect it with such adjoining township into a union of townships. 1922, c. 72, s. 28.

Seniority of united townships, how determined.

29. The order of seniority of townships forming a union of townships shall be determined by the number of freeholders and tenants thereof whose names are entered on the last revised assessment roll, and the township having the largest number of them shall be the senior township, and the other or others the junior township or townships, and where there is no such assessment roll for all or any one or more of the townships their seniority shall be determined by the functionary or body by which the union is formed. 1922, c. 72, s. 29.

[As to annexation of gores, etc., to townships, see *Rev. Stat. c. 3, s. 13.*]

Separation of Junior Township from Union.

30.—(1) When a junior township of a union of townships has 100 resident freeholders and tenants whose names are entered on the last revised assessment roll, the county council, if the union is not in unorganized territory, may separate the township from the union.

Junior township containing 100 freeholders, etc., may be separated from union.

(2) If the junior township is in unorganized territory and has a population of not less than 100, the Municipal Board, upon the application of not less than 15 of the assessed freeholders and tenants therein, may separate the township from the union.

(3) If a junior township has 50, but less than 100 resident freeholders and tenants whose names are entered on the last revised assessment roll, and two-thirds of such resident freeholders and tenants petition the council of the county to separate the township from the union and the council considers the township to be so situated with reference to natural obstructions, that its inhabitants cannot conveniently remain united with the inhabitants of the other township or townships, the council may separate it from the union.

Separation of junior township containing 50 freeholders, etc.

(4) Where a union of townships consisting of more than two townships is dissolved by the withdrawal of a junior township, the remaining townships shall constitute the union which shall be continued under its former name, omitting that of the junior township.

Names of townships after separation.

(5) Where a union of townships consisting of two townships only is dissolved, the inhabitants of each of the townships shall become a separate corporation bearing the name of the township. 1922, c. 72, s. 30.

Where union of two is dissolved.

Date When New Incorporation to Take Effect.

31.—(1) Where a new corporation is constituted under this Act, the incorporation shall take effect on the 31st day of December next after the proclamation, Order of the Municipal Board, or by-law by which it is effected, or on such other day as the functionary or body by which such incorporation is effected may fix, and the functionary or body by which the new corporation is constituted may, and where necessary shall, fix the dates and the place or places for holding the first nomination meeting and election, appoint a returning officer and otherwise provide for the holding of the election according to law.

Date when new incorporation to take effect.

(2) The returning officer shall perform all the duties in connection with the election which in other cases are to be performed by the clerk of a local municipality, and shall act

Duties of returning officer.

as clerk of the new municipality until a clerk is appointed and has taken the oath of office. 1922, c. 72, s. 31.

As to registration of by-laws, etc., erecting a village, town or city, or enlarging, diminishing or altering the boundaries of a municipality, see The Registry Act, Rev. Stat., c. 155, s. 69.

Matters Consequent upon the Formation of New Corporations.

By-laws of old corporation to remain in force until repealed.

32. The erection of a district into a village or town, of a village into a town, or of a town into a city, or the separation of a township from a union of townships shall not affect the by-laws then in force in the district or municipality but the same shall remain in force until repealed by the council of the newly erected municipality, but nothing herein shall authorize the amendment or repeal of a by-law which the council by which it was passed could not lawfully amend or repeal. 1922, c. 72, s. 32.

What by-laws to be in force in territory annexed to a municipality.

33. Where a district or a municipality is annexed to a municipality, its by-laws shall extend to such district or annexed municipality, and the by-laws in force therein shall cease to apply to it, except those relating to highways, which shall remain in force until repealed by the council of the municipality to which the district or municipality is annexed, and except by-laws conferring rights, privileges, franchises, immunities or exemptions which could not have been lawfully repealed by the council which passed them. 1922, c. 72, s. 33.

Assets, Debts and Liabilities.

Liability for debts of union.

34. Where a junior township is separated from a union of townships the senior or remaining township or townships shall be liable to the creditors of the union for all the debts and obligations of the union. 1922, c. 72, s. 34.

Taxes for current year to belong to senior or remaining townships.

35. Where a junior township is separated from a union of townships all taxes imposed by the council of the union for the year in which the separation takes place shall be collected and paid over to the senior or remaining township or townships. 1922, c. 72, s. 35.

Disposition of property upon dissolution of union.

36. After a junior township is separated from a union of townships the property of the union shall be disposed of as follows:

Real property.

(a) The real estate situate in the junior township shall become the property of that township;

Idem.

(b) The real estate situate in the remaining township or townships shall be the property of the remaining township or townships;

- (c) The two corporations shall be jointly interested in the other assets of the union, and the same shall be retained by the one, or shall be divided between them, or shall be otherwise disposed of, as they may agree; Other assets.
- (d) The one shall pay or allow to the other, in respect of the disposition of the real and personal estate of the union, and in respect of its debts, such sum as may be just; Arrangement as to property and debts.
- (e) If the councils of the two corporations do not, within three months after the first meeting of the council of the junior township, agree as to the disposition of the personal estate, or as to the sum to be paid by the one to the other, or as to the time of payment thereof, the matters in dispute shall be determined by arbitration; How to be determined in case of disagreement.
- (f) The amount so agreed upon or determined shall bear interest from the day on which the union was dissolved; and the same shall be provided for by the corporation which is to pay it, as in the case of other debts. 1922, c. 72, s. 36. Amount settled to bear interest.

37. Where one local municipality is annexed to another the corporation of the latter shall become and be liable to the creditors of the corporation of the former for its debts and obligations and all the property and assets of the corporation of the annexed municipality shall be vested in the corporation of the municipality to which it is annexed, and that corporation shall have the same rights and powers as respects the collection and recovery of all unpaid taxes imposed by the council of the annexed municipality including those for the year in which the annexation takes effect, as if such taxes had been imposed by the council of the municipality to which it is annexed. 1922, c. 72, s. 37. Liability to creditors and right to collect taxes where one municipality annexed to another.

38.—(1) Where a district is erected into a village or town, or is detached from one and annexed to another local municipality, there shall be an adjustment of assets and liabilities between the corporation of the municipality from which the district becomes or is detached and the corporation of the village or town or of the municipality to which the district is annexed, as the case may be, and if the interest of the district in the assets of the corporation of the municipality from which it becomes or is detached exceeds its proportion of the liabilities thereof, that corporation shall pay to the corporation of the village or town or of the municipality to which the district is annexed, as the case may be, the amount of excess; but if the district's proportion of such liabilities exceeds its interest in such assets the corporation of the village or town or of the municipality to which the Adjustment of assets and liabilities where village erected or district annexed to a municipality.

district is annexed, as the case may be, shall pay to the corporation of the municipality from which the district becomes or is detached the amount of the excess.

Arbitration.

(2) If the corporations do not within three months after the separation takes effect agree as to such adjustment, the matter shall be determined by arbitration.

Where district becomes part of another county.

(3) Where a district is detached as well from a county as from the local municipality, of which it forms part, there shall be a similar adjustment of the assets and liabilities of the corporation of the county from which the district is detached between that corporation and the corporation of the county to which the district is annexed, and the provisions of subsections 1 and 2 shall *mutatis mutandis* apply.

When right to adjustment barred.

(4) If the corporation of the county, or of the local municipality, does not within three months after the separation takes effect, notify the corporation of the other county or local municipality that it requires an adjustment of the assets and liabilities, its right to claim an adjustment shall be barred.

Case of town erected into a city or a town or village annexed to city or separated town.

(5) Where a town not being a separated town is erected into a city, or a town or village is annexed to a city or separated town, there shall be a similar adjustment of the assets and liabilities of the corporation of the county from which the town or village is withdrawn between that corporation and the corporation of the city or separated town.

No allowance to city for interest in court house or gaol.

(6) Where a town is erected into a city the city shall not be entitled, in the adjustment of assets and liabilities to any allowance in respect of its interest in the court house or gaol of the county. 1922, c. 72, s. 38.

Ownership of real estate in district erected into village or annexed to a municipality.

39. Where a district is erected into a village or town or is detached from one local municipality and annexed to another, the real estate belonging to the corporation from which the district becomes or is detached and situate therein, shall belong to and be vested in the corporation of the village or town or of the municipality to which the district is annexed, as the case may be, but this shall not apply to a town hall and the land on which it is erected or which is used or enjoyed in connection with it, but the same shall remain the property of the corporation of the municipality from which the district becomes or is detached. 1922, c. 72, s. 39 (1).

Collection of taxes.

40. Except where otherwise provided, the taxes imposed by the council of the municipality from which the district becomes or is detached for the year in which it is detached shall belong to the corporation of that municipality and may be collected and recovered by it as if the district had not been detached but still remained part of the municipality. 1922, c. 72, s. 39 (2).

41.—(1) Where a work or service coming within the provisions of *The Municipal Drainage Act* or of *The Local Improvement Act* has been undertaken by a corporation, and after it has become liable for the carrying out of the same, any land liable to be specially assessed becomes a new municipality or is annexed to another municipality, the corporation of the municipality from which such land becomes or is detached may complete such work or service, and may enter upon and acquire any land lying within such new or other municipality necessary for the completion of such work or service; and may take all such proceedings, pass all such by-laws, make all such special and other assessments, impose all such special and other rates, issue and sell all such debentures, borrow all such money, and do all such other acts and things as are necessary to complete such work or service and to provide for the cost thereof in the same manner as if the land so liable had not become a new municipality or been annexed to another municipality.

Power to proceed with local improvements upon lands annexed to another municipality. Rev. Stat. cc. 241, 235.

(2) The corporation by which the work or service was undertaken shall be indemnified by the corporation of the municipality which is constituted from such land or to which such land is annexed against all debts and liabilities incurred by it before the formation of the new corporation or the annexation of such land for or in respect of any such work or service to the extent to which the land lying within such new or other municipality was specially assessed and in adjusting the assets and liabilities consequent on the detachment of such land the debts incurred by the corporation of the municipality from which it was detached, for its share of the cost of such work or service, shall be taken into account.

Municipality to which territory annexed to indemnify municipality undertaking work.

(3) Where the land specially assessed lies wholly within such new or other municipality, the corporation thereof shall be liable for the entire debt in respect of such work or service, and the clerk of the municipality from which the land was detached shall furnish the clerk of such new or other municipality with certified copies of all the by-laws relating to such work or service and the rates imposed by such by-laws shall be collected by the corporation of the new or other municipality, and that corporation shall pay the principal and interest of the debentures issued in respect of such work or service as they become due and shall indemnify the corporation of the municipality from which the land was detached against the same.

Assumption of debt where all of land specially assessed is detached.

(4) Where part only of the land specially assessed lies within the new or other municipality the clerk of the municipality from which it was detached shall furnish the clerk of such new or other municipality with a certified copy of the by-law imposing the special assessment, and the corporation of such new or other municipality in each year in which a special rate upon such lands is payable, shall collect the same

Collection of special rates, etc., where part only of land specially assessed is detached.

and shall pay over the sums collected to the treasurer of the municipality from which such land was detached, when and as the same are collected, and in the adjustment of the assets and liabilities consequent upon the detachment of such land the debts incurred by the corporation of the municipality from which it was detached for its share of the cost of such work or service shall be taken into account. 1922, c. 72, s. 40.

Jurisdiction
of old council
on formation
of new
corporation.

42. Where a district is erected into a village, or a village into a town, or a town into a city, or a township is separated from a union of townships, the council having authority in the district or municipality at the time of the erection or separation shall, until the council of the new corporation is organized, continue to have the same powers as before such erection or separation. 1922, c. 72, s. 42.

Officials and Sureties.

Effect of
separation
upon public
officers
and their
sureties.

43.—(1) The separation of a junior township from a union of townships shall not affect the office, duty, power or responsibility of any officer of the union who continues to be an officer of the remaining township or townships after such separation, or of the sureties of such officer or their liability, further than by limiting such office, duty, power, responsibility, suretyship and liability to the remaining township or townships.

Further provisions
as
to officers.

(2) Every such officer shall, after the separation, be the officer of the remaining township or townships as if he had been originally appointed an officer thereof.

Liability
of sureties
for public
officers.

(3) The sureties for such officer shall remain liable, as if they had become his sureties in respect only of the remaining township or townships, and all securities shall, after the separation, be read as if they had been given only to or for the benefit of the remaining township or townships. 1922, c. 72, s. 43.

New Division into Wards.

Division
into wards.

44. Where the council of a city or town before the 15th day of July in any year, by a vote of two-thirds of all the members, passes a resolution affirming the expediency of a division or a new division into wards of the city or town or of a part of it, the Municipal Board may divide or re-divide the city or town or part of it into wards as it may deem expedient, provided that no ward shall have a population of less than five hundred, and that there shall be at least three wards in any such city or town. 1922, c. 72, s. 44.

PART II.

MUNICIPAL COUNCILS—HOW COMPOSED.

Counties.

45. The council of a county shall be composed of the reeves and deputy reeves of the towns, not being separated towns, and of the villages and townships in the county. 1922, c. 72, s. 45. County councils, how composed.

Cities.

46.—(1) Subject to subsection 7 the council of a city shall be composed of a mayor, the members of the Board of Control, if the city has such a board, and Councils of cities, how composed.

(a) Three aldermen for each ward, or

(b) Where the council by by-law so provides two aldermen for each ward;

(c) In the case of a city having a population of not more than 15,000, where the council by by-law so provides, one alderman for every 1,000 of the population.

(2) In the case provided for by clause (c) of subsection 1, or where the council of a city having a population of more than 15,000 by by-law so provides, the aldermen shall be elected by general vote, and in the latter case the number of aldermen shall be the same as if they were elected by wards. By-law for election by general vote.

(3) A by-law for the purposes mentioned in clause (b) or (c) of subsection 1 shall not be repealed until at least two annual elections have been held under it, and a by-law under subsection 2 shall not be repealed until at least five annual elections have been held under it. Repeal of by-law.

(4) A by-law for any of the purposes mentioned in subsections 1 and 2 and a by-law repealing any such by-law shall be passed not later in the year than the first day of November and shall not be passed unless it has received the assent of the municipal electors. When and how by-law to be passed.

(5) Every such by-law including a repealing by-law shall take effect at and for the purposes of the annual election next after the passing of it. When by-law to take effect.

(6) Subject to subsection 3 where the petition of at least one-fifth of the municipal electors is presented on or before the first day of November in any year, praying for the passing of a by-law repealing a by-law for the purpose mentioned in clause (c) of subsection 1, or where a petition of not less Submission of by-law on petition of electors.

than 400 electors is presented praying for the passing of a by-law for the purpose mentioned in subsection 2, or for the repeal of a by-law passed under that subsection, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing annual election and if the voting is in favour of the change shall without delay pass a by-law in accordance with the prayer of the petition.

Council of
City of
Toronto.

(7) Notwithstanding anything in any special Act the council of the City of Toronto shall consist of the mayor and four controllers to be elected by general vote, and three aldermen for each Ward. 1922, c. 72, s. 46. *part.*

Towns.

Councils
of towns in
unorganized
territory.

47.—(1) The council of a town in unorganized territory shall be composed of a mayor and six councillors to be elected by general vote.

Councils of
towns over
5,000.

(2) If the town has a population of not less than 5,000 the council may provide that the council shall be composed of a mayor and nine councillors to be elected by general vote. 1922, c. 72, s. 47.

Councils
of towns in
counties.

48.—(1) The council of a town not in unorganized territory having a population of more than 5,000 shall be composed of a mayor, a reeve, as many deputy reeves as the town is entitled to and three councillors for each ward where there are less than five wards, or two councillors for each ward where there are five or more wards.

By-laws for
changing
composition
of council.

(2) Where there are less than five wards the council on the petition of not less than 100 municipal electors shall provide that the number of councillors shall be two for each ward, or may without petition provide that the number of councillors shall be one for every 1,000 of the population to be elected by general vote, or if the population is less than 6,000 that the number of councillors shall be six to be elected by general vote.

Case of town
of not more
than 5,000.

(3) Where the town has a population of not more than 5,000 the council shall be composed of a mayor, a reeve, as many deputy reeves as the town is entitled to, and

(a) Six councillors to be elected by general vote; or

(b) Where the council so provides one councillor for each ward and the remaining councillors to complete the full number of six to be elected by general vote.

(4) A by-law for any of the purposes mentioned in subsection 2 of section 47 or subsection 2 or clause (b) of subsection 3 of this section shall not be repealed until two annual elections have been held under it, and a by-law for the purpose mentioned in clause (b) of subsection 3 shall not be passed until two annual elections under clause (a) have been held. Repeal of by-laws.

(5) A by-law for any of the purposes mentioned in subsection 2 of section 47 or in subsections 2 and 3 of this section, and a by-law repealing any such by-law shall be passed not later in the year than the first of November and shall not be passed unless it has received the assent of the municipal electors. Assent of electors required.

(6) Every such by-law, including a repealing by-law, shall take effect at and for the purposes of the annual election next after the passing of it. When by-law to take effect.

(7) Subject to subsections 2 and 4, where a petition of not less than one-fifth of the municipal electors is presented on or before the first day of November in any year praying for the passing of a by-law for any of the purposes mentioned in this section or for repealing any such by-law, except a by-law reducing the number of councillors to two for each ward, the council shall submit the question of making the proposed change to a vote of the municipal electors at the next ensuing annual election and if the voting is in favour of the proposed change shall without delay pass a by-law in accordance with the prayer of the petition. Submission of questions on petition of electors

(8) Subject to subsection 4, where a by-law has been passed for reducing the number of councillors to two for each ward, the council, upon the petition of not less than 100 resident municipal electors, presented not later in the year than the first day of November shall submit the question of repealing the by-law to a vote of the electors at the next ensuing annual election and if the voting is in favour of the repeal shall without delay pass a by-law in accordance with the prayer of the petition. 1922, c. 72, s. 48. Submission of question of repeal

49. For the purposes of sections 46 to 48 the population shall be determined by the latest census of Canada. 1922, c. 72, s. 49. Population, how determined.

Villages and Townships.

50.—(1) The council of a village and the council of a township shall consist of a reeve, as many deputy reeves as the municipality is entitled to, and a sufficient number of councillors to make up with the deputy reeves four in all, and they shall all be elected by general vote. Councils of villages and townships.

(2) The council of a township in unorganized territory shall consist of a reeve and four councillors. 1922, c. 72, s. 50.

Towns, Villages and Townships.

Deputy
reeves in
towns, vil-
lages, and
townships.

51.—(1) A town, not being a separated town, and a village and a township in a county shall each be entitled where it has more than 1,000 and not more than 2,000 municipal electors to a first deputy reeve, or where it has more than 2,000 and not more than 3,000 municipal electors, to a first deputy reeve and a second deputy reeve, and where it has more than 3,000 municipal electors to a first deputy reeve, a second deputy reeve and a third deputy reeve.

Number of
electors,
how deter-
mined.

(2) The number of municipal electors shall be determined by the last revised voters' list but in counting the names, the name of the same person shall not be counted more than once, and the name of a person who is a municipal elector by reason of being the wife or husband of the person so rated or entitled to be rated for land as mentioned in clause d of subsection 1 of section 56 shall not be counted. 1922, c. 72, s. 51.

Qualifications.

Qualification
of candidates.

52.—(1) Every person shall be qualified to be elected a member of the council of a local municipality who

(a) Is a householder residing in the municipality, or is rated on the last revised assessment roll of the municipality for land held in his own right for an amount sufficient to entitle him to be entered on the voters' list and resides in or within five miles of the municipality; 1922, c. 72, s. 52 (1), cl. (a); 1925, c. 59, s. 1.

(b) Is entered on the last revised voters' list as qualified to vote at municipal elections;

(c) Is a British subject;

(d) Is of the full age of twenty-one years; and

(e) Is not disqualified under this or any other Act. 1922, c. 72, s. 52 (1), cls. (b-e).

Rating for
land.

(2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable, or partly of each.

Householder,
meaning of.

(3) "Householder" shall mean the person who occupies and is assessed as owner or tenant of a dwelling or apartment house or part of a dwelling or apartment house separately occupied as a dwelling.

Qualification
where land
annexed to
urban
municipality.

(4) Where territory has been annexed to an urban municipality, until an assessment roll for the municipality, including such territory, has been made and revised, it shall be sufficient for the purposes of this section if the assessment is upon the last revised assessment roll of the municipi-

pality in which the territory, before its annexation, was situated, and for a sufficient amount to qualify him for election to the council of that municipality.

(5) Where the inhabitants of a township or locality in unorganized territory have become incorporated as a township or a union of townships, the only qualification necessary at the first election shall be that the person is of the full age of twenty-one years, a British subject and a householder resident in the municipality. 1922, c. 72, s. 52 (2-5). Qualification in new township.

Disqualification.

53.—(1) The following shall not be eligible to be elected a member of a council or be entitled to sit or vote therein : Persons disqualified from being members of a council.

- (a) A judge of any court;
- (b) A gaoler or a keeper of a lock-up;
- (c) A sheriff, deputy sheriff or sheriff's bailiff;
- (d) A chief constable of a city or town;
- (e) An assessment commissioner, assessor, a collector of taxes, a treasurer, a clerk, or any other officer, employee or servant of the corporation of a municipality;
- (f) A person other than the head of the council who is a member of a board or commission appointed or elected for the construction, management or control of an electric railway, street railway or steam railway which is owned by, or leased to, or controlled by a municipal corporation, or by trustees, or by any board or commission acting for or on behalf of such corporation.

This clause (f) shall have effect notwithstanding the provisions of any general or special Act or any by-law of a municipal corporation.

- (g) A clerk or bailiff of a division court;
- (h) A Crown attorney or a clerk of the peace;
- (i) A registrar or a deputy registrar of deeds;
- (j) A master or a local master of titles; 1922, c. 72, s. 53 (1), cls. (a-i).
- (k) A member of a board of education or of a public or separate school board of a city, town or village, or a member of a high school board, unless he has at least three days before the day of nomination filed his resignation with the secretary of the board. 1926, c. 52, s. 2.

- (l) A police magistrate;
- (m) A clerk of a county or district court;
- (n) A deputy clerk of the Crown or a local registrar;
- (o) A person having himself or by or with or through another an interest in any contract with the corporation or with any commission or person acting for the corporation or in any contract for the supply of goods or materials to a contractor for work for which the corporation pays or is liable directly or indirectly to pay, or which is subject to the control or supervision of the council or of an officer of the corporation, or who has an unsatisfied claim for such goods or materials;
- (p) A person who either himself or by or with or through another has any claim, action or proceeding against the corporation;
- (q) A person who, either himself or by or with or through another is counsel or solicitor in the prosecution of any claim, action or proceeding against the corporation or in opposing or defending any claim, action or proceeding by the corporation; 1922, c. 72, s. 53 (1), cls. (k-r).
- (r) A person whose taxes at the time of the election are overdue and unpaid, but this clause shall not apply to a person who is a tenant holding under a lease which provides that the landlord shall pay the taxes and who qualifies in respect of land other than that covered by such lease; 1922, c. 72, s. 53 (1), cl. (s); 1923, c. 41, s. 1; 1927, c. 61, s. 3 (1).
- (s) A person against the land in respect of which he qualifies there are at the time of the election any taxes overdue and unpaid. 1922, c. 72, s. 53 (1), cl. (t); 1927, c. 61, s. 3 (2).

Disqualifica-
tion not to
apply in
certain cases.

(2) Subsection 1 shall not apply to a person by reason only:

- (a) Of his being a shareholder in an incorporated company having dealings or a contract with the corporation, or
- (b) Of his being a lessee of the corporation for a term of twenty-one years or upwards of any property of the corporation, or

(c) That part of his property is exempt wholly or in part from taxation, whether such exemption is founded on an agreement with the corporation or on a by-law of the council, or

(d) Of his being the proprietor of or otherwise interested in a newspaper or other periodical publication in which official advertisements or notices which appear in other newspapers or periodical publications are published by the council or for which the council is a subscriber or which is furnished to any department or officer of a corporation if the same are paid for at the usual rates, and he has not agreed with the corporation to do the whole or the principal part of its printing.

(e) Of his having been appointed and paid for his services as commissioner, superintendent or overseer of any highway or of any work undertaken wholly or in part at the expense of the corporation;

(f) Of his being a consumer or taker of anything supplied by the corporation or any commission under *The Public Utilities Act* or of his having entered into a contract with the corporation or commission for the supply of it to him. 1922, c. 72, s. 53 (2) (a-f). Rev. Stat. c. 249

(g) Of his having entered into an agreement of sale with a Municipal Housing Commission. 1923, c. 41, s. 2.

(3) A person being such a shareholder shall not vote on any question affecting the company or being such a lessee shall not vote on any question affecting his lease or his rights or liabilities thereunder, or being so exempt from taxation shall not vote on any question affecting the property so exempt, or being such a proprietor of or otherwise interested in a newspaper or other periodical publication shall not vote on any question affecting his dealings with the corporation. Shareholder, lessee or newspaper proprietor, etc., not to vote on any question affecting his dealings with corporation.

(4) The filing of the resignation mentioned in clause (k) of subsection 1 shall render vacant the seat of the member. 1922, c. 72, s. 53 (3,4). Resignation, when to vacate seat.

54. If a member of a council in his own name or in that of another and alone or jointly with another enters into a contract with or makes a purchase from or a sale to the corporation, the contract, purchase or sale as against the corporation shall be void. 1922, c. 72, s. 54. Contracts by members with corporation to be void.

Exemptions.

Persons
exempt.

55. The following shall be exempt from being elected as members of a council and from being appointed to any municipal office:

- (a) persons of the age of sixty years and upwards;
- (b) members and officers of the Senate, or of the House of Commons of Canada, or of the Assembly;
- (c) coroners;
- (d) clergymen and ministers of every denomination;
- (e) members of the Law Society of Upper Canada, whether barristers or students;
- (f) officers of Courts of Justice;
- (g) physicians and surgeons;
- (h) professors, masters and teachers, and the officers and servants of a university, college or school in Ontario;
- (i) millers;
- (j) officers and members of a fire brigade or of an authorized fire company. 1922, c. 72, s. 55.

PART III.

*MUNICIPAL ELECTIONS.**Who to be entered on Voters' List.*

Qualifica-
tion to be
entered on
voters' list.
Rev. Stat.
c. 7.

56.—(1) Every person shall be entitled to be entered on the voters' list prepared under Part I, or II. of *The Voters' Lists Act*, who is:

- (a) Of the full age of twenty-one years;
- (b) A British subject by birth or naturalization;
- (c) Not disqualified under this Act or otherwise by law prohibited from voting; and
- (d) Rated, or entitled to be rated to the amount herein-after mentioned on the last revised assessment roll of the local municipality for land held in his or her own right as owner or tenant or so rated or entitled to be so rated for income, or who is entered or was entitled to be entered on such roll as a farmer's son or who is the wife or husband of the person so rated or entitled to be rated for land as owner or tenant.

(2) The rating for land shall be in respect of a freehold or leasehold, legal or equitable or partly of each to an amount not less than Amount of rating necessary.

(a) In villages and townships, \$100;

(b) In towns having a population not exceeding 3,000, \$200;

(c) In towns having a population exceeding 3,000, \$300;

(d) In cities, \$400.

(3) The rating for income shall be in respect of income from a trade, office, calling or profession of not less than \$400 which has been received during the twelve months next preceeding the final revision of the assessment roll or the twelve months next preceeding the last day for making complaint to the Judge under *The Voters' Lists Act*. Income. Rev. Stat. c. 7.

(4) If both the owner and the occupant are severally but not jointly rated, each shall be deemed to be rated. Where owner and occupant severally rated.

(5) Where land is owned or occupied jointly by two or more persons who are rated at an amount sufficient, if equally divided between them, to give a qualification to all, each shall be deemed to be rated within the meaning of this section, otherwise none of them shall be deemed to be so rated. Where land owned or occupied jointly. 1922, c. 72, s. 56 (1-5).

(6) A person not entitled under *The Assessment Act* to be entered on the last revised assessment roll as a farmer's son, by reason of not having resided on the farm as therein required, shall be entitled to be entered on the voters' list if he has the other qualifications of a farmer's son as prescribed by that Act and has resided on the farm of his father or mother for the twelve months next preceding the date of the final revision of the assessment roll or for the twelve months next preceding the last day for making complaint to the judge under *The Voters' Lists Act*. 1922, c. 72, s. 56 (6); 1927, c. 61, s. 4. Farmers' sons. Rev. Stat. c. 238.

(7) Occasional or temporary absence from the farm for a time or times not exceeding in the whole six of the twelve months shall not disentitle a farmer's son to be entered on the voters' list. 1922, c. 72, s. 56 (7). Occasional or temporary absence.

Right to Vote.

57. Subject to sections 60, 61 and 62, every person whose name is entered on the proper voters' list shall be entitled to vote at a municipal election except that in the case of a tenant he shall not be entitled to vote unless he is a resident of the municipality at the date of and has resided therein for Right to vote.

one month next before the election and in the case of an income voter and of a farmer's son, he is a resident of the municipality at the date of the election. 1922, c. 72, s. 57.

No question of qualification to be raised at election. Exception.

58. Except as to the disqualification arising from his not residing in the municipality at the time of the election in the case of an income or farmer's son voter or from his not residing in the municipality for one month next before the election and at the time of the election in the case of a tenant, or from the non-payment of taxes in the case of a voter whose name appears on the defaulters' list, no question as to the qualification of any person whose name is entered on the proper list of voters shall be raised at an election. 1922, c. 72, s. 58.

Disqualification of husband or wife of tenant.

59. Any man or woman entered upon the list as the husband or wife of a tenant who is disqualified from voting under the provisions of the two next preceding sections shall also be disqualified from voting. 1927, c. 61, s. 5.

Persons in default for non-payment of taxes not to vote.

60.—(1) No person whose name appears on the defaulters' list provided for by section 103 shall be entitled to vote in respect of income in any municipality, or in respect of real property in a municipality, the council of which has passed a by-law under paragraph 8 of section 397, unless at the time of tendering his vote he produces and leaves with the deputy returning officer a certificate from the treasurer, or the collector, showing that the taxes, in respect of which the default was made, have since been paid.

Certificate to be filed.

(2) The deputy returning officer shall file the certificate and note the same on the defaulters' list. 1922, c. 72, s. 59.

Clerk may give a casting vote only.

61. The Clerk of the municipality shall not be entitled to vote except to give a casting vote as provided by section 135. 1922, c. 72, s. 60.

Persons employed by candidates for reward not to vote.

62.—(1) No person shall be entitled to vote who, at any time, before or during the election, has been employed as counsel, agent, solicitor or clerk or in any other capacity by a candidate or by any other person at or in reference to, or for the purpose of forwarding the election, and who has received or expects to receive, either before, during or after the election, from any candidate or from any other person, for acting in such capacity, any money, fee, office, place or employment, or any promise, pledge or security therefor.

Exceptions.

(2) Subsection 1 shall not apply to a person who performs any official duty in connection with the election and who receives the fees therefor to which he is entitled. 1922, c. 72, s. 61.

63. Where territory has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory erected into a town, or a new town or village erected, and an election takes place before a voters' list including the names of the persons entitled to vote in such territory, or for the new town or village, is certified by the judge, all persons who would have been qualified as municipal electors if such addition had not been made or the new town or village erected, shall be entitled to vote in the city, town or village at such election. 1922, c. 72, s. 62.

Where territory added to city, town or village, or a new city, town or village erected with added territory, and no voters' lists including such territory.

Nomination Meeting.

64. Subject to subsection 4 of section 65 and to sections 73, 74 and 75 a meeting of the electors shall take place for the nomination of candidates for mayor and controllers in cities and towns, and for reeve or reeve and deputy reeve or deputy Reeves in towns, at the hall of the municipality annually on the last Monday in December, at ten o'clock in the forenoon. 1922, c. 72, s. 63.

Meeting for nomination of mayor, controllers, reeve, deputy Reeves.

65.—(1) Subject to subsections 3 to 6, and to section 74, a meeting of the electors shall take place for the nomination of candidates for aldermen in cities and councillors in towns, to be elected by general vote, and for Reeves, deputy Reeves and councillors in villages and townships, annually at noon, on the last Monday in December, at the hall of the municipality, or at such place therein as may from time to time be fixed by by-law.

Meetings in cities, towns, etc. for nomination of aldermen, councillors, etc.

(2) Where the election of aldermen or councillors is by wards the meeting shall be held annually at noon on the last Monday in December at such places in each ward as may from time to time be fixed by the by-law, but the council of a town divided into wards may provide that the meeting for the nomination of candidates for councillors for the wards shall be held at the same time and place as the nomination for mayor.

Where election by wards.

(3) The council of a city may by the by-law fixing the places for the nomination of candidates for aldermen, provide that the hour of nomination shall be half-past seven o'clock in the afternoon.

Hour for holding nominations in cities.

(4) The council of a town or village may by by-law provide that the meeting for the nomination of all candidates may be held at half-past seven o'clock in the afternoon and any such by-law shall remain in force from year to year until it is repealed.

In towns and villages.

(5) The council of a township may by by-law provide that the meeting for the nomination of all candidates shall be held at one o'clock in the afternoon.

In townships.

Where town-
ship adjoins
urban muni-
cipality.

(6) Where a township adjoins an urban municipality, that municipality may be designated as the place of meeting for the nomination of all candidates. 1922, c. 72, s. 64.

If nomina-
tion day
falls on
Christmas.

66. The nomination meeting shall be held on the day fixed for it by or under the authority of this Act, except where it is Christmas Day, and in that case the meeting shall be held on the preceding Friday. 1922, c. 72, s. 65.

Nomination
and polling
in new muni-
cipality.

67. Where the corporation of a new municipality takes effect on the 31st day of December as provided by section 31, the nomination and all proceedings incidental thereto and to the holding of the election on the 1st Monday of the January following may be had and taken as if the incorporation had taken effect. 1922, c. 72, s. 66.

Notice of
nomination
meeting.

68. The returning officer shall give at least six days' notice of the nomination meeting. 1922, c. 72, s. 67.

Nomination
and proceed-
ings incident
thereto.

69.—(1) At all nomination meetings, the candidates for each office shall be proposed and seconded *seriatim*, and every nomination shall be in writing, shall state the name, residence and occupation of the candidate, and shall be signed by his proposer and seconder, both of whom shall be present, and filed with the returning officer within one hour from the time fixed for holding the meeting.

Non-com-
pliance,
effect of.

(2) Failure to comply with the provisions of subsection 1 shall not invalidate the nomination if it is received and acted on by the returning officer without objection.

Where only
one candi-
date nomi-
nated for an
office.

(3) If no more candidates are nominated for an office than are to be elected, the returning officer, after the lapse of one hour from the time fixed for holding the meeting, shall declare such candidate duly elected.

In what
cases poll
to be held.

(4) If more candidates are nominated for an office than are to be elected, the returning officer shall adjourn the proceedings until the first Monday in January next thereafter, when, unless there is an election by reason of the resignation of any candidate or candidates nominated, as in the next succeeding section provided, polls shall be opened in each ward or polling subdivision at such place or places as have been fixed by by-law. 1922, c. 72, s. 68.

Names of
candidates
to be posted
up.

70.—(1) The returning officer shall, on the day of the nomination, post up in the office of the clerk the names of the persons nominated for the respective offices.

Resignation
of person
nominated.

(2) At the nomination meeting or at any time before nine o'clock in the afternoon of the following day, or, if that day is a holiday, before noon of the succeeding day, any person nominated for one or more offices may resign, or may elect

for which office he is to remain nominated; and in default he shall be deemed to be nominated for the office for which he was first nominated.

(3) Where he resigns after the nomination meeting the resignation shall be in writing, signed by him and attested by a witness, and shall be delivered to the clerk within the time hereinbefore mentioned. When resignation to be in writing.

(4) Every candidate for any municipal office, shall on nomination day, or before nine o'clock in the afternoon of the following day, or if that day is a holiday before noon of the succeeding day, file in the office of the clerk a declaration, Form 2. 1922, c. 72, s. 69 (1-4). Candidates to file declaration of qualification.

(5) Where a candidate is unable on account of illness or absence from the municipality to make the declaration or to file it within the time prescribed by subsection 4, and he appears by the last revised assessment roll to be qualified to be elected, the declaration of any person who has and states in the declaration that he has knowledge of the facts, that the inability exists and the nature of it and that he has reason to believe and does believe that the candidate possesses the qualification prescribed for the office for which he has been nominated and that if elected he will accept the office may be filed in lieu of the declaration of the candidate. When declaration may be made by some one for candidate.

(6) If one or other of such declarations is not filed within the time mentioned in subsection 4, the candidate in default shall be deemed to have resigned, and his name shall be removed from the list of candidates and shall not be printed on the ballot paper. Effect of failure to make declaration.

(7) If by reason of resignations the number of candidates remaining for any office does not exceed the number to be elected the returning officer, whether the event happens on or after nomination days, shall declare the remaining candidate or candidates duly elected. Election by acclamation when other candidates retire.

(8) Any person elected by acclamation shall make a declaration of qualification within one week after the day of nomination and in default he shall be deemed to have resigned. 1927, c. 61, s. 6. Declaration by person elected by acclamation.

(9) On the day following the nomination day, the returning officer for each ward shall certify to the clerk the result of the meeting. 1922, c. 72, s. 69 (5-8). Result of nomination meeting.

71.—(1) Where the candidates, or any of them, retire, and by reason of such retirement or where from any other cause the requisite number of persons is not elected, the members elected, if they equal or exceed one-half of the council when complete, or a majority of such members, shall order a new election to be held to fill the vacancies. Non-election of full council by reason of retirement of candidates.

Retirement
by a majority
of council.

(2) Where less than half the members of the council are elected, the clerk shall cause a new election to be held; and until such election is held, and the council is elected, the council of the preceding year shall continue in office.

New election,
when to be
held.

(3) The new election shall be held as soon as practicable. 1922, c. 72, s. 70.

Elections
to be held
annually.

72. Except in the case of the first election provided for by sections 24 and 27 and subject to sections 73, 74 and 75, the electors of every local municipality shall elect annually on the first Monday in January, although it is a holiday, the members of council, the water commissioners, and the sewerage commissioners who are to be elected, except such as have been elected at the nomination. 1922, c. 72, s. 71.

By-laws for
holding nom-
inations on
23rd Decem-
ber and elec-
tions on
New Year's
Day.

73. The council of a local municipality may, by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for mayor, controllers, aldermen, reeves, deputy reeves, councillors, and in urban municipalities, the public school board, and the board of education shall be held on the 23rd day of December, except where that day is a Saturday or a Sunday and in that case on the preceding Friday, and that the polling shall take place on the 1st day of January next thereafter, except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed. 1922, c. 72, s. 73.

Time for
nomination
and polling
in cities
over 100,000.

74. The council of any city having a population of not less than 100,000 may by by-law passed not later in the year than the 15th day of November, provide that the meeting of electors for the nomination of candidates for mayor, controllers, aldermen and the board of education, shall be held on the 21st day of December, except where that day is a Saturday or a Sunday, and in that case on the preceding Friday, and that the polling shall take place on the 1st day of January next thereafter except where that day is a Sunday, and in that case on the following day, and the by-law shall remain in force from year to year until repealed. 1922, c. 72, s. 73 a.

By-laws
fixing date
of nomina-
tion and
polling in
local muni-
cipalities.

75. The council of any local municipality may by by-law, passed not later in the year than the 1st day of November, provide that the meeting of electors for nomination of candidates for mayor, controllers, aldermen, reeves, deputy-reeves, councillors and in urban municipalities the public school board, and the board of education shall be held on the last Monday in November, and that polling shall take place on the first Monday in December, and the by-law shall remain in force from year to year until repealed. 1922, c. 72, s. 73b.

76. The members of a council shall hold office until their successors are elected and the new council is organized. 1922, c. 72, s. 72. Term of office of members, etc.

77. The council of a local municipality may by by-law passed with the assent of the municipal electors, extend the term of office of the members of the council to be thereafter elected to two years, and may with the like assent repeal such by-law. 1922, c. 72, s. 74. Two years' term for councils may be adopted.

78. Subject to subsection 6 of section 65 and to section 85, the election shall be held in the municipality. 1922, c. 72, s. 75. Election to be held in municipality.

79.—(1) The council of every local municipality in which the election is by wards or polling subdivisions, shall from time to time appoint: Appointment of places for nomination, and polling, deputy returning officers, etc.

- (a) The places for holding the nominations for each ward;
- (b) A returning officer to hold the nominations for each ward;
- (c) The places at which polls shall be opened if a poll is required;
- (d) A deputy returning officer and a poll clerk for each polling subdivision.

(2) In a city having a population of not less than 100,000 the returning officers, deputy returning officers, and poll clerks shall be appointed on the recommendation of the clerk, and such appointments shall be made at least one month before polling day, and as far as practicable the deputy returning officers and poll clerks shall be appointed for polling places in the subdivisions in which they reside. Election officers, how appointed in cities over 100,000.

(3) If a poll clerk signifies to the returning officer in writing that he will not act, the returning officer shall appoint another person to act in his place. Poll clerk refusing to act, etc.

(4) If a poll clerk does not attend at the opening of the poll the deputy returning officer shall appoint another person to act in his place. 1922, c. 72, s. 77 (1-4). Appointment of poll clerk by D.R.O.

80. The clerk shall be the returning officer for the whole municipality; and if a poll is required, the deputy returning officers shall make to him the returns for their respective wards or polling subdivisions. 1922, c. 72, s. 77 (5). Clerk to be returning officer for whole municipality.

81. By-laws may be passed by the councils of local municipalities for dividing the wards of the city or town, or the village or township into two or more convenient polling subdivisions, and for establishing polling places therein. Polling subdivisions and places.

Boundaries
of polling
subdivisions.

- (a) Except in cities, every polling subdivision shall have well-defined boundaries such as streets, side lines, concession lines or the like, and shall be formed in the most convenient manner, and so that the number of electors in each polling subdivision shall be as nearly as possible equal.

Number of
electors in a
subdivision.

- (b) Such polling subdivisions, shall be made or varied whenever the number of the electors in any polling subdivision in a city having a population of not less than 100,000 exceeds 200, and in any other municipality 300, in such a manner that the number in any polling subdivision shall not exceed 300.

Not to be in
more than
one electoral
district.

- (c) Where a municipality embraces parts of two or more electoral districts, a polling subdivision shall include territory in one electoral district only.

Alteration
of sub-
divisions.

- (d) Subject to clause (f), any alteration of polling subdivisions, or creation of new polling subdivisions, shall be made before the publication of the voters' lists.

Duty of
clerk when
population
exceeds
limit.

- (e) Whenever the clerk finds that the number of electors in a polling subdivision exceeds 200 in a city having a population of not less than 100,000, or 300 in any other municipality, he shall notify the council of the fact.

Changes
made after
voters' lists
made up.

- (f) Where such alterations have not been made before the publication of the voters' lists, they shall be made forthwith thereafter, but shall not take effect until the next voters' lists are being prepared.

New sub-
division to
be made
when neces-
sary.

- (g) Whenever the council is of opinion that the convenience of the electors will be thereby promoted the council may make a redivision into polling subdivisions, and such redivision shall be made in conformity with this section.

Determining
number of
electors.

- (h) The number of electors shall be determined by the last revised assessment roll of the municipality.

Subdivisions
to be num-
bered.

- (i) The polling subdivisions shall be numbered consecutively, and a copy of the by-law, by which they are established, certified under the seal of the corporation and the hand of the clerk to be a true copy, shall, forthwith after the passing thereof, be filed by the clerk in the office of the Clerk of the Peace of the county or district in which the municipality is situate.

- (j) Any five electors may at any time within two months Appeal. after such filing appeal in respect of any polling subdivision to the Judge of the county or district Court of the county or district, who shall have power to amend the by-law so as to make it conform with the provisions of this section, and the procedure on the appeal shall be the same as on a motion to quash a by-law, except that no recognizance or deposit shall be required.
- (k) An election shall not be irregular or void or voidable for the reason that a polling subdivision Election not to be voided if subdivision is wrongly formed. which contains more than the prescribed number of electors has not been divided, if in the case of a city having a population of not less than 100,000 it does not contain more than 300, or in the case of any other municipality more than 400 electors.
- (l) Where a polling subdivision in a city having a Subdivision for election about to be held. population of not less than 100,000 contains more than 300 electors, or a polling subdivision in any other local municipality contains more than 400 electors, or where a local municipality is not subdivided into polling subdivisions the council shall for the purpose of an election about to be held or a vote about to be taken subdivide it into as many subdivisions as may be necessary to provide in the case of such a city one for every 200 electors, and in the case of any other local municipality one for every 300 electors.
- (m) Notwithstanding the provisions of the foregoing clauses (k) and (l) in the case of a city having Polling subdivision in city over 100,000. a population of not less than 100,000 where it is impracticable to subdivide any polling subdivision so as to comply therewith, an election shall not be irregular or void or voidable for the reason that any polling subdivision contains more than the prescribed number of electors. 1922, c. 72, s. 391.

82.—(1) By-laws may be passed by the councils of urban Uniting polling subdivisions. municipalities for uniting for the purpose of any municipal election, including the election of school trustees, or the voting on a by-law or on a question submitted to the electors, any two adjoining polling subdivisions with one polling place therefor. 1922, c. 72, s. 392.

(2) By-laws may be passed by the councils of townships bordering upon a city having a population of not less than 100,000 for all the purposes mentioned in subsection 1 except the election of school trustees. 1927, c. 61, s. 34.

Using public and separate schools for polling places.

83. By-laws may be passed by the councils of cities and towns and of townships bordering on a city having a population of not less than 100,000 for providing that either, or both public and separate school houses within the municipality or a public building belonging to or controlled by the corporation and within the municipality shall be used for a polling place, or for polling places, for one or more polling subdivisions and any such school house or public building may be used although it is not situated in the polling subdivision or polling subdivisions for which it is used.

Payment therefor.

(a) Where a school house is so used, the council shall forthwith pay to the board having control of such school house a sum sufficient to cover any damage done to it and any expense for cleaning or otherwise caused by such use.

Consent of school board.

(b) No school shall be so used without the consent of the board having control of such school. 1925, c. 59, s. 6.

Constable to attend each such polling place.

(c) The board of commissioners of police or the chief constable shall cause a constable or clerk as the case may be to attend at each polling place in a school house or public building in which an election is being held there to perform the duties required by this Act of a constable appointed by the returning officer. 1922, c. 72, s. 393, cl. (c); 1927, c. 61, s. 35.

In certain cases clerk may choose polling place.

84. Where a polling place has been appointed for holding an election, or for taking a vote in a local municipality, and it is afterwards found that the building cannot be obtained, or is unsuitable for the purpose, the clerk may select in lieu of it the nearest suitable building which is available, and he shall post up and keep posted up a notice on the building named in the by-law, and in two other conspicuous places near by, directing the voters to the place so selected. 1922, c. 72, s. 394.

Place of polling.

85. The council of a township in which an urban municipality is situate, may fix the place of polling for any adjoining subdivision within the limits of such urban municipality. 1923, c. 41, s. 6.

Returning officer where election not by polling sub-divisions.

86.—(1) In a local municipality which is not divided into polling subdivisions, the clerk or such person as the council may appoint to act in the absence of the clerk through illness or otherwise, shall be the returning officer for the nomination of candidates.

Polling place.

(2) The council shall from time to time appoint the place at which the poll shall be opened if a poll is required. 1922, c. 72, s. 78.

87.—(1) Where a by-law to appoint the place for holding any meeting required to be held for the nomination of candidates is necessary and the council fails to pass it the meeting shall be held at the place at which the nomination for the next preceding election was held.

Place for nomination and polling where council fails to fix places.

(2) Where the council fails to appoint all or any of the places at which a poll is to be opened if a poll is required, as to such of them as are not appointed, the polls shall be opened at the place or places at which the polling took place at the next preceding election. 1922, c. 72, s. 79.

88.—(1) Where the returning officer for any ward notifies the clerk that he is unable or that he refuses to act or does not attend at the time and place appointed by the clerk to receive his instructions and nomination papers, or where a deputy returning officer does not attend at the time and place at which he is required by the clerk to attend to receive his ballot box, voters' lists, and other election papers, the clerk shall appoint another person to act in his place.

Refusal or neglect of returning officer or deputy returning officer to perform his duties.

(2) If at the time and place appointed for holding a nomination the returning officer does not attend to hold the nomination within fifteen minutes after the time appointed or if no returning officer has been appointed, the electors present at the place for holding the nomination may choose from amongst themselves a returning officer to hold the nomination.

When electors may choose returning officer.

(3) If at the time and place appointed for holding the poll the deputy returning officer does not attend within one hour after the time appointed, the clerk shall appoint another person to act in his place and shall furnish him with a ballot box, voters' lists and other election papers.

Case of deputy returning officer not attending at poll.

(4) In a city having a population of not less than 100,000 a deputy returning officer shall not be appointed unless a poll clerk has not been appointed or if appointed is not present, but the poll clerk shall act as deputy returning officer and he shall appoint some other person to be poll clerk.

When poll clerk to act as deputy.

(5) If, during the polling, the returning officer or the deputy returning officer at a polling place becomes unable, through illness or other cause, to perform his duties, the poll clerk shall act in his place and shall perform all the duties of a returning officer or deputy returning officer, and may appoint some other person to act as poll clerk. 1922, c. 72, s. 80.

Where returning officer or deputy is unable to perform his duties.

89.—(1) A returning officer and a deputy returning officer from the time he takes the oath of office until the day after the close of the election or of the voting on a by-law shall be a conservator of the peace and shall have all the powers of a Justice of the Peace.

Returning officers and deputy returning officers to be conservators of the peace.

Arrest of
person dis-
turbing peace.

(2) A returning officer, a deputy returning officer or a Justice of the Peace may arrest or by a verbal order cause to be arrested and placed in the custody of a constable or of any other person a person who disturbs the peace and good order and may cause such person to be imprisoned under an order signed by him until an hour not later than the closing of the nomination, polling or voting as the case may be, and all constables and persons present when required shall assist the returning officer, deputy returning officer or Justice of the Peace in the performance of his duties under this subsection. 1922, c. 72, s. 81.

Special
constables
may be
sworn in.

90. A returning officer, a deputy returning officer, or a Justice of the Peace may appoint and swear in as many special constables to assist in the preservation of the peace and order as he may deem necessary; and any person liable to serve as constable, and required by a returning officer, a deputy returning officer, or a justice, to be sworn in as a special constable, if he refuses to be sworn in or to serve, shall incur a penalty of \$20. 1922, c. 72, s. 82.

Ballot Boxes.

Ballot boxes
to be fur-
nished.

91.—(1) Where a poll is required, the clerk shall procure as many ballot boxes as there are polling subdivisions.

How made.

(2) The ballot boxes shall be made of durable material, provided with lock and key, and so constructed that the ballot papers can be deposited therein and cannot be withdrawn without unlocking the box.

Delivery of
to deputy
returning
officers.

(3) Two days at least before polling day the clerk shall deliver a ballot box to every deputy returning officer.

Clerk to
preserve
boxes for
future
elections.

(4) The ballot boxes, when returned to the clerk after the election, shall be preserved by him for use at future elections; and he shall have ready for use, at all times, as many ballot boxes as there are polling subdivisions.

Penalty for
failure to
furnish
boxes.

(5) If the clerk fails to provide the ballot boxes he shall incur a penalty of \$100 in respect of every ballot box which he fails to provide.

Deputy
returning
officers to
procure
boxes when
not supplied.

(6) A deputy returning officer who has not been provided with a ballot box within the time prescribed, shall forthwith procure one to be made, and he may make a requisition upon the treasurer for payment of the cost of it, and the treasurer shall pay the same to the deputy returning officer. 1922, c. 72, s. 83.

Ballot Papers.

Ballot
papers to
be printed.

92. Where a poll is required, the clerk shall forthwith cause to be printed a sufficient number of ballot papers for the purposes of the election. 1922, c. 72, s. 84.

93.—(1) In cities and towns in which the aldermen or councillors are elected by wards, there shall be prepared one set of ballot papers for all the polling subdivisions containing the names of the candidates for mayor, another set for all the polling subdivisions containing the names of the candidates for reeve, or reeve and deputy reeves, and another set for each ward containing the names of the candidates for aldermen or councillors for the ward.

Ballot papers where election is by wards.

(2) In cities and towns where the aldermen or councillors are elected by general vote, there shall be prepared for all the polling subdivisions one set of ballot papers containing the names of the candidates for mayor or mayor and reeve or mayor, reeve and deputy reeves, and another set containing the names of the candidates for aldermen or councillors.

Ballot papers where aldermen or councillors elected by general vote.

(3) In villages and townships there shall be prepared one set of ballot papers containing the names of the candidates for reeve or reeve and deputy reeves and for councillors.

Ballot papers for townships and villages.

(4) There shall also be separate sets of ballot papers for controllers and public utility commissioners. 1922, c. 72 s. 85.

Ballot papers for controllers, etc.

94. The ballot papers shall be according to Forms 3, 4, or 5, and shall contain the names of the candidates arranged alphabetically in the order of their surnames, or if there are two or more candidates for the same office with the same surname, in the order of their Christian names. 1922, c. 72, s. 86.

Form of ballot papers.

Polling Places.

95. Before opening the poll, the clerk shall deliver to every deputy returning officer the ballot papers for use in the polling subdivision for which he has been appointed, and shall furnish him with the materials necessary to enable voters to mark their ballot papers, and such materials shall be kept at the polling place by the deputy returning officer for the use of voters. 1922, c. 72, s. 87.

Clerk to furnish deputy returning officers with ballot papers, etc.

96. Every polling place shall be furnished with a compartment in which the voters can mark their ballot papers screened from observation, and if it is not provided by the corporation the deputy returning officer shall furnish it, and the cost of it shall be repaid to him as provided by subsection 6 of section 91. 1922, c. 72, s. 88.

Compartment for marking ballots.

Directions to Voters.

97. The clerk shall cause to be printed in conspicuous type a sufficient number of the directions for the guidance of voters, Form 6, for the purposes of election, and shall deliver to every deputy returning officer as many of the printed directions, but not less than five, as the clerk may deem sufficient. 1922, c. 72, s. 89.

Directions to voters to be printed.

Deputy
returning
officers to
placard the
directions.

98. Every deputy returning officer, before opening the poll, or immediately after he has received the printed directions from the clerk, if the same were not received before opening the poll, shall cause them to be placarded outside the polling place, and in every compartment of the polling place, and shall see that they remain so placarded until the close of the polling. 1922, c. 72, s. 90.

Voters' Lists, Poll Books.

Proper voters'
list to be used
at an election.

Rev. Stat.
c. 7.

99. The proper list of voters to be used at an election shall be the first and second parts of the last voters' list certified by the Judge and delivered or transmitted to the Clerk of the Peace under *The Voters' Lists Act*, with the supplementary list, if any, under section 101 or the list provided for by section 102. 1922, c. 72, s. 91.

For first
election in
new munici-
pality.

100. For the first election in a new municipality for which there is no assessment roll, the clerk instead of a voters' list, shall provide every deputy returning officer with a poll book, Form 7, and the deputy returning officer or the poll clerk shall enter in it in the proper column, the name of every person who tenders his vote, and, at the request of any candidate or voter, shall note opposite the name of such person, the property in respect of which he claims to be entitled to vote. 1922, c. 72, s. 92.

Voters' lists
on forma-
tion of new
corporation,
etc.

101.—(1) Where a district as defined by section 10 has been annexed to an urban municipality, or a town with additional territory erected into a city, or a village with additional territory into a town, or a new town or village is erected, and an election takes place before a voters' list including the names of the persons entitled to vote in such district, territory or for the new town or village is certified by the judge, the clerk of the municipality to which the same was added, and in the case of a new town or village the returning officer shall prepare from the last certified voters' list of the municipality from which such district, territory, town or village was or became detached, a supplementary list of voters containing the names of and the other particulars relating to the persons who would have been entitled to vote in such district or territory if it had not been so detached.

Clerk's
duties as to
supplemen-
tary lists.

(2) The supplementary list shall be signed by the clerk and attested by his declaration, and he shall deliver to every deputy returning officer a copy of so much of such list as relates to his polling subdivision. 1922, c. 72, s. 93.

Voters' list,
when clerk
to prepare.

102. In a municipality for which there is an assessment roll, but for which there is no voters' list certified by the Judge, the clerk shall, before the poll is opened, pre-

pare and deliver to the deputy returning officer for every polling subdivision, a list signed by him and attested by his declaration, containing the names, arranged alphabetically, of all persons appearing by the then last revised assessment roll to be entitled to vote in that polling subdivision. 1922, c. 72, s. 94.

List of Defaulters in Payment of Taxes.

103.—(1) On or before the day fixed for nomination at the annual election the treasurer of each local municipality, if the collector's roll has been returned to him or the collector, if the roll has not been so returned, shall prepare and verify by his declaration and shall deliver to the clerk an alphabetical list of—

Preparation of list of defaulters.

(a) All persons entered on the first and second parts of the voters' list in respect of income only, whose taxes are overdue and unpaid; and.

(b) In municipalities the councils of which have passed by-laws under paragraph 8 of section 397, all persons entered on the first and second parts of the voters' list whose taxes in respect of land are overdue and unpaid. 1922, c. 72, s. 95 (1); 1927, c. 61, s. 7.

(2) Where a municipality is divided into polling subdivisions, such a defaulters' list shall be made for each polling subdivision.

List to be made for each polling subdivision.

(3) The person who prepares the defaulters' list shall furnish to all persons applying for the same, certified copies of it and of the declaration, in the same manner as and for the same compensation for which copies of the voters' list are to be furnished. 1922, c. 72, s. 95 (2, 3).

Certified copies to be furnished.

NOTE—(See Sec. 60 as to effect of default and payment of taxes before voting.)

104.—(1) The clerk, before the poll is opened, shall at a time and place appointed by him deliver to the deputy returning officer for every polling subdivision a list, either printed or written, or partly printed and partly written, certified to be a correct list of voters for the polling subdivision, together with a blank poll book, Form 7, and also a copy of the proper defaulters' list prepared under section 103 for the polling subdivision.

Delivery of copies of voters' list, poll book and defaulters' list to deputy returning officer.

(2) The list of voters may be prepared by the clerk or may be procured from the Clerk of the Peace; and in the latter case the Clerk of the Peace shall be entitled to six cents for every ten voters whose names are on the list. 1922, c. 72, s. 96.

Copies may be prepared by clerk of municipality or procured from Clerk of Peace.

Certificates as to the Assessment Roll.

Clerk to give certificate of date of final revision of assessment roll, etc.

105.—(1) The clerk, before the poll is opened, shall deliver to every deputy returning officer a certificate, Form 8, of

(a) The date of the final revision of the assessment roll, and

(b) The last day for making complaints to the judge with respect to the voters' list to be used at the election.

Fee for certificate.

(2) The clerk shall also give to any person applying for it a like certificate upon payment of twenty-five cents.

Penalty for neglect.

(3) For every contravention of subsection 2 the clerk shall incur a penalty of \$200. 1922, c. 72, s. 97.

In Municipalities without Polling Subdivisions.

In municipalities not divided into polling subdivisions, clerk to perform duties of deputy returning officers.

106. In municipalities not divided into polling subdivisions, the clerk shall perform the duties which in other cases are performed by deputy returning officers, and shall provide himself with the necessary ballot papers, the materials for marking ballot papers, the printed directions for the guidance of voters, copies of the voters' list, poll book and defaulters' list, and a certificate of the date of the final revision of the assessment roll, and the last day for making complaints to the judge with respect to the voters' list; and he shall perform the like duties with respect to the whole municipality as are imposed upon a deputy returning officer for a polling subdivision. 1922, c. 72, s. 98.

Where and how often electors may vote.

107.—(1) An elector shall be entitled to vote,

Number of votes which may be given by each elector.

(a) once only for mayor, controller, reeve, first deputy reeve, second deputy reeve, third deputy reeve;

(b) where the election is by general vote once only for as many candidates for any office as there are offices to be filled and once only for each of them.

Where election by general vote.

(2) Where the election is by general vote and an elector is qualified to vote in more than one ward or polling subdivision he shall vote only in that in which he resides if qualified to vote there, or if not qualified to vote there or if he is not a resident of the municipality, he may elect at which of such wards or polling subdivisions he will vote and shall vote there only.

Where aldermen, etc., elected by wards.

(3) Where the aldermen or councillors are elected by wards an elector if qualified to vote therein may vote in each ward for as many candidates as there are offices to be filled and once only for each of them. 1922, c. 72, s. 99.

108.—(1) The clerk, at the request of an elector, who has been appointed deputy returning officer, poll clerk, or agent of a candidate, for any polling place other than the one at which he is entitled to vote, shall give to such elector a certificate that he is entitled to vote at the polling place where he is to be stationed during polling day; and the certificate shall state the property or other qualification in respect of which he is entitled to vote.

Certificate to entitle deputy returning officers, poll clerks, and agents to vote where stationed.

(2) On the production of the certificate such elector shall have the right to vote at the polling place at which he is stationed instead of at the polling place at which he would otherwise be entitled to vote; and the deputy returning officer shall attach the certificate to the voters' list.

Right to vote on production of certificate.

(3) The certificate shall not entitle the elector to vote at such polling place unless he has been actually engaged as deputy returning officer, poll clerk, or agent during polling day, or to vote for aldermen in cities, or for councillors in municipalities divided into wards, except in the ward where he would otherwise be entitled to vote.

Certificate only to entitle officials who act.

(4) If a deputy returning officer votes at the polling place for which he has been appointed, the poll clerk, or in his absence any elector entitled to be present, may administer to the deputy returning officer the oath required by law to be taken by voters. 1922, c. 72, s. 100.

Who to administer oath.

The Poll

109.—(1) Subject to the provisions of subsection 2 the poll shall be opened at every polling place at nine o'clock in the forenoon and shall be kept open until five o'clock in the afternoon of the same day. 1922, c. 72, s. 101 (1); 1927, c. 61, s. 8 (1).

Time for opening and closing poll.

(2) The council of a municipality may by by-law passed at least sixty days before the day of nomination change the time for opening and closing the poll so that it will remain open for not less than eight consecutive hours between eight o'clock in the forenoon and seven o'clock in the afternoon. 1927, c. 61, s. 8 (2).

Time for opening and closing poll.

(3) The votes shall be given by ballot. 1922, c. 72, s. 101 (3).

Vote by ballot.

110. The deputy returning officer shall, immediately before opening the poll, show the ballot box to such persons as are present in the polling place, so that they may see if it is empty, and he shall then lock the box and place his seal upon it in such a manner as to prevent its being opened without breaking the seal, and he shall keep the box on a desk, counter or table or otherwise so that it is raised above the floor in full view of all present, and shall keep the box so locked and sealed. 1922, c. 72, s. 102.

Deputy returning officer to show box empty to persons present and then lock and seal it.

Proceedings
by deputy
returning
officer on
tender of
vote.
Name.

111.—(1) Where a person tenders his vote, the deputy returning officer shall proceed as follows:

Recording.

(a) Except where there is no voters' list he shall ascertain that the name of such person or a name apparently intended for it is entered on the voters' list for the polling subdivision and is not entered upon the defaulters' list.

Objection.

(b) He shall record, or cause to be recorded by the poll clerk, in the proper columns of the poll book the name, qualification, residence and occupation of such person.

(c) Where the vote is objected to by any candidate or his agent, the deputy returning officer shall enter or cause to be entered the objection in the poll book, by writing opposite the name of such person in the proper column the words "*Objected to*," and the name of the candidate by or on behalf of whom the objection was made.

Oath.

(d) If such person takes the prescribed oath, the deputy returning officer shall enter or cause to be entered opposite such person's name, in the proper column of the poll book the word "*Sworn*," or "*Affirmed*," according to the fact.

Refusal
to take
the oath.

(e) Where such person has been required to take the oath and refuses to do so, the deputy returning officer shall enter or cause to be entered opposite the name of such person, in the proper column of the poll book, the words, "*Refused to be Sworn*," or "*Refused to Affirm*," according to the fact.

Deputy
returning
officer to
initial
ballot paper
and mark
voters' list.

(f) After the proper entries have been made in the poll book the deputy returning officer shall place or cause to be placed a check or mark opposite the name of the voter in the voters' list to indicate that he has voted, and shall then put his initials on the back of the ballot paper.

Delivery of
to voter.

(g) The ballot paper shall then be delivered to such person.

Deputy
returning
officer to
explain
mode of
voting.

(h) The deputy returning officer may, and upon request shall, either personally or through the poll clerk explain to the voter, as concisely as possible, the mode of voting. 1922, c. 72, s. 103 (1); 1927, c. 61, s. 9.

Penalty.

(2) The vote of a person who has refused to take the oath shall not be received, and if the deputy returning officer receives such vote, or causes it to be received, he shall incur a penalty of \$200. 1922, c. 72, s. 103 (2).

112.—(1) The only oath to be required of a person claiming to vote shall be according to Form 9.

Oath, etc.,
of person
claiming
to vote.

(2) The voter shall be entitled to select any one of the forms of oath, whatever may be the description either in the voters' list or assessment roll of the qualification or character in which he is entered upon it.

Voter may
select any
form of
oath.

(3) The oath may be administered by the returning officer or deputy returning officer if he thinks fit, and shall be administered at the request of any candidate or his agent, and no inquiry shall be made of a voter, except with respect to the matters required to be stated in the oath or to ascertain if he is the person intended to be designated on the voters' list, or the assessment roll, as the case may be. 1922, c. 72, s. 104.

When and
how oaths
are to be
adminis-
tered.

113. The deputy returning officer or the poll clerk shall place his initials in the appropriate column of the poll book opposite the name of every person who has voted for a candidate for the office named in that column. 1922, c. 72, s. 105.

Deputy
returning
officer to
initial
names of
persons
voting.

114.—(1) Upon receiving the ballot paper the person receiving it shall—

Marking
ballot paper

- (a) Forthwith proceed into the compartment provided for the purpose, and shall then and there mark his ballot paper by placing a cross, on the right hand side, opposite the name of a candidate for whom he desires to vote, or at any other place within the division which contains the name of such candidate;
- (b) Then fold the ballot paper so as to conceal the names of the candidates, and the marks upon the face of it, and to expose the initials of the deputy returning officer;
- (c) Then leave the compartment without delay, and without showing the face of the ballot paper to anyone, or so displaying it as to make known how he has marked it; and
- (d) Then deliver the ballot paper so folded to the deputy returning officer.

(2) The deputy returning officer, without unfolding the ballot paper, or in any way disclosing the names of the candidates, or the marks made by the voter, shall verify his own initials, and at once deposit the ballot paper in the ballot box in the presence of all persons entitled to be present and then present in the polling place; and the voter shall forthwith leave the polling place. 1922, c. 72, s. 106.

Duties of
D.R.O. on
receipt of
ballot.

Exclusion
from ballot-
ing compart-
ment.

115. While a voter is in a compartment for the purpose of marking his ballot paper, no other person shall be allowed to enter the compartment, or to be in a position from which he can see how the voter marks his ballot paper. 1922, c. 72, s. 107.

Voter not
to take his
ballot paper
from polling
place.

116. A person who has received a ballot paper shall not take, and the deputy returning officer may prevent him from taking it out of the polling place and if he leaves the polling place without delivering it to the deputy returning officer in the prescribed manner or returns the ballot paper declining to vote he shall thereby forfeit his right to vote and the deputy returning officer shall make an entry in the poll book, in the column for "*Remarks*," to the effect that such person received a ballot paper, but took it out of the polling place, or returned it, declining to vote, as the case may be and in the latter case the deputy returning officer shall immediately write the word "*Declined*" upon the ballot paper and shall preserve it. 1922, c. 72, s. 108.

Proceedings
in case of
incapacity
to mark
ballot
paper.

117.—(1) The deputy returning officer on the application of a voter who is incapacitated by blindness or other physical cause from marking his ballot paper, or who makes a declaration, Form 10, that he is unable to read, or where the voting is on a Saturday that he is of Jewish persuasion and objects on religious grounds to mark his ballot paper in the manner prescribed by section 114, the deputy returning officer shall—

(a) In the presence of the poll clerk and the agents of the candidates, cause the vote of such person to be marked on the ballot paper in the manner directed by him, and shall place the ballot paper in the ballot box.

(b) Make an entry opposite the name of the voter in the proper column of the poll book, that his vote was marked in pursuance of this section, and of the reason why it was so marked.

Oral de-
claration.

(2) Where the voter objects on religious grounds to mark his ballot paper, the declaration may be made orally. 1922, c. 72, s. 109.

Proceedings
in case
ballot paper
cannot be
used.

118. A voter who has inadvertently dealt with his ballot paper in such a manner that it cannot be conveniently used, upon returning it to the deputy returning officer shall be entitled to obtain another ballot paper, and the deputy returning officer shall immediately write the word "*Cancelled*" upon the first mentioned ballot paper, and preserve it. 1922, c. 72, s. 110.

119. A person who applies for a ballot paper shall be deemed to have tendered his vote; and a person whose ballot paper has been deposited in the ballot box, or who has delivered it to the deputy returning officer or poll clerk, for the purpose of having it deposited in the ballot box, shall be deemed to have voted. 1922, c. 72, s. 111.

What shall be deemed a tender of a vote and a voting.

120. The deputy returning officer, the poll clerk, the constable or constables, the candidates and their agents, and no others, shall be permitted to remain in the polling place during the time the poll is open or at the counting of the votes. 1922, c. 72, s. 112.

Who may be in polling place.

121. In cities in which the aldermen are elected by general vote a candidate shall be entitled to one agent only, and except in such cities a candidate in any municipality shall be entitled to two agents. 1922, c. 72, s. 113.

Number of agents.

122.—(1) No person on the day of the polling shall use or deliver to any other person any card, ticket, leaflet, book, circular or writing soliciting votes for or against any candidate, or by-law, or for an affirmative or negative answer to any question, or having upon it the name of any candidate.

Use or delivery of election cards, etc.

(2) Every person who contravenes the provisions of subsection 1 shall incur a penalty not exceeding \$20. 1922, c. 72, s. 114.

Penalty.

Proceedings after the Close of the Poll.

123. Immediately after the close of the poll, the deputy returning officer shall first place all the cancelled and declined ballot papers in separate packets and seal them up, and shall then count the number of voters whose names appear by the poll book to have voted, and cause a certificate, in the following form:—“*I certify that the number of voters who voted at the election in this polling place is (stating the number, in words) and that ——— was the last person who voted at this polling place,*” to be entered in the poll book on the line immediately below the name of the voter who voted last, and such certificate shall be signed by the deputy returning officer, the poll clerk, and any candidate or agent present who desires to sign it; then, in their presence and in full view he shall open the ballot box and count the number of votes for each candidate, giving full opportunity to those present to examine each ballot paper. 1922, c. 72, s. 115.

Counting the votes.

124. In counting the votes the deputy returning officer shall reject all ballot papers—

What votes to be rejected.

(a) Which have not been supplied by him; or

(b) By which votes have been given for more candidates than are to be elected; or,

- (c) Upon which there is any writing or mark by which the voter can be identified, or which has been so torn, defaced or otherwise dealt with by the voter that he can thereby be identified;

but no word, letter or mark written or made or omitted to be written or made by the deputy returning officer on a ballot paper shall avoid it or warrant its rejection. 1922, c. 72, s. 116.

Objections
to be noted.
and decided.

125.—(1) The deputy returning officer shall make a note of every objection taken to a ballot paper, by a candidate or his agent, and shall decide the objection subject to review on recount or in a proceeding questioning the validity of the election.

Numbering
objections.

(2) Each objection shall be numbered, and a corresponding number shall be placed on the back of the ballot paper and initialed by the deputy returning officer. 1922, c. 72, s. 117.

Account
to be kept
of ballot
papers.

126.—(1) All the ballot papers except those rejected shall be counted, shall be put into a packet, and an account shall be kept of the number of ballots cast for each candidate, and of the number of rejected ballot papers, and the rejected and unused ballot papers shall be put into separate packets.

Each packet
to be
endorsed
and sealed.

(2) Every packet shall be endorsed so as to indicate its contents, and shall be sealed by the deputy returning officer, and any candidate or agent present may write his name on the packet and may affix to it his seal. 1922, c. 72, s. 118.

Statement
of result to
be made by
deputy
returning
officer.

127.—(1) The deputy returning officer shall make out a statement in duplicate of—

- (a) The number of ballot papers received from the clerk;
- (b) the number of votes given for each candidate and the rejected ballot papers;
- (c) The used ballot papers which have not been objected to and have been counted;
- (d) The ballot papers which have been objected to, but which have been counted by the deputy returning officer;
- (e) The rejected ballot papers;
- (f) The cancelled ballot papers;
- (g) The declined ballot papers;
- (h) The unused ballot papers;
- (i) The number of voters whose ballot papers have been marked by the deputy returning officer under section 117.

(2) One statement shall be attached to the poll book, and the other shall be enclosed in a special packet and delivered to the clerk. Disposal of statement.

(3) The statement shall be signed by the deputy returning officer and the poll clerk and such of the candidates or their agents as are present, and desire to sign it. Signing of statement.

(4) The deputy returning officer shall deliver to such of the candidates or their agents as are present, if requested to do so, a certificate of the number of ballot papers counted for each candidate, and of the rejected ballot papers. 1922, c. 72, s. 119. Certificate of result of poll.

128. The poll clerk, immediately after the completion of the counting of the votes, shall take and subscribe an oath similar to that required by subsection 3 of section 130, to be taken by the deputy returning officer. 1922, c. 72, s. 120. Oath of poll clerk.

129. The poll book, the voters' list, the packets containing the ballot papers, and all other documents which served at the election, except the duplicate statement shall then be placed in the ballot box. 1922, c. 72, s. 121. Poll book, voters' list and packets to be put in ballot box

130.—(1) The deputy returning officer shall then immediately lock and seal the box, and any candidate or agent present may also affix to it his seal and the deputy returning officer shall then forthwith deliver it personally to the clerk, or if he is unable to do so owing to illness or other imperative cause, he shall deliver it to the poll clerk, or where the poll clerk is unable to act, to some person chosen by the deputy returning officer for the purpose of delivering it, and shall on it or on a ticket attached to it write the name of the person to whom the ballot box has been delivered, and shall take a receipt for it, and the poll clerk or person so chosen shall forthwith deliver the ballot box personally to the clerk and shall take and subscribe before him, the oath, Form 12. Delivery of ballot box to clerk.

(2) In cities and towns, the deputy returning officer, or in case of his inability, as mentioned in subsection 1, the poll clerk or the person chosen, shall proceed directly from the polling place to the office of the clerk with the ballot box, and there personally on the same day, as soon as possible after leaving the polling place, deliver it to the clerk, and the poll clerk or the person chosen shall take and subscribe before him the oath, Form 12, and the clerk shall remain in his office on the evening of the polling day until all the ballot boxes have been returned to him. Return of ballot boxes, etc., in cities and towns.

(3) Forthwith thereafter the deputy returning officer shall take and subscribe the oath, Form 13, and shall personally deliver it or transmit it by registered post to the clerk. 1922, c. 72, s. 122. Oath of D.R.O.

Duties of clerk as to ballot box.

131. The clerk, upon the receipt of a ballot box, shall take every precaution for its safe keeping and for preventing any other person from having access to it, and shall immediately on the receipt of it seal it with his own seal in such a way that it cannot be opened without his seal being broken, and that any other seals affixed to it are not effaced or covered. 1922, c. 72, s. 123.

D.R.O. not to take ballot box to his home.

132. A deputy returning officer in a city or town shall not under any circumstances take, or allow to be taken, the ballot box to his home, house, office, or place of business, or to any house or place except the office of the clerk. 1922, c. 72, s. 124.

Return by D.R.O. when election interrupted.

133. Where the holding of the election has been interrupted, as mentioned in section 136, the deputy returning officer shall delay making his return to the clerk until the polling has taken place. 1922, c. 72, s. 125.

Clerk to cast up votes and declare what candidates elected.

134. The clerk, after he has received the ballot papers and statements of the number of votes given at each polling place, without opening any of the sealed packets of ballot papers, shall cast up from the statements the number of votes for each candidate; and at the town hall, or if there is no town hall, at some other public place, at four o'clock in the afternoon in the case of a city having a population of not less than 100,000, and at noon in the case of other municipalities on the day following the return of the ballot papers and statements, shall publicly declare to be elected the candidate or candidates having the highest number of votes; and he shall also put up in some conspicuous place a statement under his hand showing the number of votes for each candidate. 1922, c. 72, s. 126.

In case of a tie clerk to have a casting vote.

135. If, upon the casting up of the votes or upon a recount, two or more candidates have an equal number of votes, the clerk, or other person appointed by by-law to discharge the duties of clerk, whether otherwise qualified or not, shall, at the time he declares the result of the poll, or after receiving the certificate of the result of the recount, as the case may be, give a vote for one or more of such candidates, so as to decide the election. 1922, c. 72, s. 127.

Case of Election not held at Proper Time, etc.

Election not commenced, or interrupted by reason of riot, etc., to be resumed.

136. If, by reason of a riot or other emergency, an election, or the voting at a polling place, is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the returning officer, or deputy returning officer, as the case may be, shall hold or resume the election on the following day at the hour of nine

o'clock in the forenoon, and continue the same from day to day until a fair opportunity for nominating candidates has been given or, in the case of polling, until the poll has been opened without interruption and with free access to voters for eight hours in all. 1922, c. 72, s. 128.

[As to postponement of an election on account of an epidemic or contagious disease, see *The Public Health Act, Rev. Stat. c. 262, s. 118.*]

Recount.

137.—(1) If, within fourteen days after the declaration by the clerk of the result of the election, upon the application of a candidate or voter it is made to appear by affidavit to a judge of the county or district court of the county or district in which the municipality is situate, that a deputy returning officer, in counting the votes has improperly counted or rejected any ballot paper, or made an incorrect statement of the number of ballots cast for any candidate, and if within that time the applicant deposits with the clerk \$25 as security for the costs in connection with the recount of the candidate declared to be elected, or if at any time within four weeks after such declaration in a city having a population of not less than 100,000, the council has by resolution declared that a recount is desirable in the public interest, the Judge may appoint a time and place to recount the votes.

Recount of votes by County Judge, where ballot papers have been improperly counted or rejected.

(2) At least two days' notice in writing of the time and place appointed shall be given to the candidates and to the clerk, and the clerk shall attend the recount with the ballot boxes and all documents relating to the election.

Notice to candidates.

(3) The judge, the clerk, and each candidate and his agent appointed to attend the recount, but no other person except with the sanction of the judge, shall be entitled to be present at the recount.

Who may be present at recount.

(4) At the time and place appointed, the judge shall recount all the ballot papers received by the clerk, and shall in the presence of such of the persons entitled to be present as attend, open the sealed packets containing the used ballot papers which were not objected to and were counted; the ballot papers objected to, but which were counted; the rejected ballot papers; the cancelled ballot papers; and the unused ballot papers.

Opening of packets.

(5) The judge shall, as far as practicable, proceed continuously, allowing only time for refreshment and excluding except so far as he and the persons present agree, the hours between six o'clock in the afternoon and nine o'clock in the succeeding forenoon, and during the excluded time the judge shall place the ballot papers and other documents relating to

Recount to be a continuous proceeding.

the election close under his own seal, and the seals of such of the persons present as desire to affix their seals, and shall otherwise take all necessary precautions for the security of them.

Rules to govern judge in proceedings.

(6) Subject to subsection 7 the judge shall proceed according to the provisions for the counting of the ballot papers at the close of the poll by a deputy returning officer, and shall verify and correct the statement of the poll.

Evidence may be taken.

(7) If for any reason it appears desirable to do so, the judge upon the application of any party to the proceeding may hear such evidence as he may deem necessary for the purpose of making a full and proper recount of the ballot papers.

Certificate of judge as to result.

(8) Upon the completion of the recount the judge shall seal up all the ballot papers in their separate packets, and shall forthwith certify the result to the clerk, who shall then declare elected the candidate having the highest number of votes.

Existing remedies not affected.

(9) Nothing in this section shall effect any remedy which any person may have under the provisions hereinafter contained by proceedings in the nature of *quo warranto* or otherwise. 1922, c. 72, s. 129.

Costs.

138.—(1) The costs of the recount shall be in the discretion of the judge, who may order by whom, to whom, and in what manner the same shall be paid.

Taxing of.

(2) The clerk of the county or district court shall tax the costs and shall, as nearly as may be, follow the tariff of costs of the county court.

Deposit, disposal of

(3) Where costs are directed to be paid by the applicant, the money deposited as security for costs shall be paid out to the party entitled to such costs, so far as necessary.

Recovery of costs.

(4) Payment of the costs may be enforced by execution, to be issued from any county or district court, upon filing therein the order of the judge and a certificate showing the amount at which the costs were taxed and an affidavit of the non-payment of them. 1922, c. 72, s. 130.

Expenses of judge attending at recount.

(5) The judge shall be entitled to receive from the municipality the expenses necessarily incurred in attending at the place designated by him to recount the votes. 1926, c. 52, s. 3.

Secrecy of Proceedings.

Maintaining secrecy of proceedings.

139.—(1) Every person in attendance at a polling place or at the counting of the votes shall maintain and aid in maintaining the secrecy of the voting.

(2) No person shall interfere or attempt to interfere with a voter when marking his ballot paper, or obtain or attempt to obtain at the polling place information as to how a voter is about to vote or has voted. Interference with voters.

(3) No person shall communicate any information obtained at a polling place as to how a voter at such polling place is about to vote or has voted. 1922 c. 72, s. 131. Communicating information as to how voter has voted.

140. No person shall, directly or indirectly, induce or attempt to induce a voter to show his ballot paper after he has marked it, so as to make known to any person how he has voted. 1922, c. 72, s. 132. Inducing voter to display ballot after marking.

141. Subject to section 117 a voter shall not show his ballot paper, when marked, to any person so as to make known how he voted. 1922, c. 72, s. 133. Voter not to display marked ballot.

142. Every returning officer and every officer, clerk, constable, agent and other person authorized to attend at a polling place, or at the counting of the votes, shall, before entering on his duties, take the oath of secrecy, Form 14. 1922, c. 72, s. 134. Oath of secrecy.

143.—(1) If a returning officer, deputy returning officer or poll clerk becomes aware, or has reason to believe or suspect, that any provision of the law as to secrecy has been violated, he shall forthwith communicate the particulars to the Crown attorney. Proceedings where officers aware of violation of secrecy.

(2) The Crown attorney on receiving such information from any person, shall forthwith enquire into the matter and, if proper, prosecute the offender. 1922, c. 72, s. 135. Crown attorney to prosecute.

144. No person who has voted at an election shall, in any legal proceeding to question the election or return, be required to state how or for whom he has voted. 1922, c. 72, s. 136. No one compellable to disclose his vote.

General.

145. Every returning officer, deputy returning officer, or other person whose duty it is to deliver poll books or who has the custody of a voters' list or poll book, who wilfully makes any alteration or insertion in or wilfully omits anything from or in any way wilfully falsifies such voters' list or poll book, shall incur a penalty of \$2,000, and shall also be liable to imprisonment for any term not exceeding one year. 1922, c. 72, s. 137. Returning officers, etc., wilfully falsifying or altering list of voters to incur penalty.

Offences
relating
to ballot
papers.

146. Every person who—

- (a) Fraudulently alters, defaces or destroys a ballot paper or the initials of the deputy returning officer thereon; or
- (b) Without due authority supplies a ballot paper to any person; or
- (c) Fraudulently places in a ballot box a paper other than the ballot paper which he is authorized by law to place therein; or
- (d) Fraudulently delivers to the deputy returning officer to be placed in the ballot box any other paper than the ballot paper given to him by the deputy returning officer; or
- (e) Fraudulently takes a ballot paper out of the polling place; or
- (f) Without authority destroys, takes, opens, or otherwise interferes with a ballot box or book or packet of ballot papers or a ballot paper or ballot in use or used for the purposes of an election; or
- (g) Applies for a ballot paper in the name of another person whether the name be that of a person living or dead, or of a fictitious person, or having voted applies at the same election for a ballot paper in his own name or votes oftener than he is entitled to; or
- (h) Being a deputy returning officer, contravenes section 132, or fraudulently puts his initials on the back of any paper purporting to be or capable of being used as a ballot paper at an election; or
- (i) With fraudulent intent, prints any ballot paper or what purports to be or is capable of being used as a ballot paper at an election; or
- (j) Being employed to print the ballot papers for an election, with fraudulent intent prints more ballot papers than he is authorized to print; or
- (k) Attempts to commit or aids, abets, counsels or procures the commission of any offence mentioned in this section;

if a returning officer, deputy returning officer or other officer engaged in the election, shall be liable to imprisonment for any term not exceeding two years, and, in the case of any other person, to imprisonment for any term not exceeding six months. 1922, c. 72, s. 138. (*See section 509, post.*)

147.—(1) Every person who wilfully and maliciously destroys, injures, or obliterates, or causes to be destroyed, injured or obliterated, a warrant for holding an election, a poll book, voters' list, certificate, affidavit, or other document or paper made, prepared or drawn according to or for the purpose of meeting the requirements of this Act or any of them, shall incur a penalty of \$2,000, and shall also be liable to imprisonment for any term not exceeding one year.

Persons unlawfully destroying, etc., documents relating to elections, etc.

(2) Every person who aids, abets, counsels or procures the commission of a violation of subsection 1 shall incur the like penalty and be subject to the like imprisonment.

Abettors punishable.

(3) The pecuniary penalty shall be recoverable by action at the suit of His Majesty, and the imprisonment may be directed by the court in which the action is brought. 1922, c. 72, s. 139.

Recovery of penalty.

148.—(1) Every deputy returning officer who wilfully omits to put his initials on the back of a ballot paper in use for the purposes of an election, shall incur a penalty of \$10 in respect of every such ballot paper.

Penalty for D.R.O. omitting to initial ballots.

(2) A deputy returning officer or poll clerk who refuses or neglects to perform any of the duties imposed upon him by sections 123 to 131 shall, for each refusal or neglect, incur a penalty of \$200. 1922, c. 72, s. 140.

D.R.O. or poll clerk neglecting duties.

149. Every deputy returning officer or poll clerk who wilfully miscounts the ballots or otherwise makes up a false statement of the poll shall incur a penalty of \$200. 1922, c. 72, s. 141.

Wilfully miscounting ballots, etc.

150. Every person who acts in contravention of sections 139 to 141 shall be liable to imprisonment for any term not exceeding six months. 1922, c. 72, s. 142. (*See section 509 post.*)

Penalty for violating secrecy.

151. Every officer engaged in the election who is guilty of a wilful act or omission in contravention of this Act shall in addition to any other penalty or liability to which he may be subject forfeit to any person who may be aggrieved thereby the sum of \$400. 1922, c. 72, s. 143.

Money penalty for offences

Miscellaneous Provisions.

152. A candidate may undertake the duties which his agent might undertake, or he may assist his agent in the performance of such duties, and may be present at any place at which his agent is authorized to be present; but no candidate shall be present at the marking of a ballot paper under section 117. 1922, c. 72, s. 144.

Candidate may undertake duties of an agent.

Who may administer oaths re election.

Rev. Stat. c. 1.

153. Except where otherwise provided any oath required to be taken in connection with an election may be taken before the clerk of the municipality, a returning officer or a deputy returning officer, as well as before any other person by whom under *The Interpretation Act* an oath may be administered. 1922, c. 72, s. 145.

Ballot papers, how disposed of.

154.—(1) The clerk shall retain in his possession for six weeks all the ballot papers, and, unless otherwise directed by an order of a judge or officer having jurisdiction to enquire as to the validity of the election, shall then destroy them in the presence of two witnesses, who shall make a declaration that they witnessed the destruction of them.

(2) The declaration shall be made before the head of the municipality and filed in the office of the clerk. 1922, c. 72, s. 146.

Ballot papers to be inspected only by order of a judge.

155.—(1) No person shall be allowed to inspect any ballot paper in the custody of the clerk except under the order of a judge or an officer having jurisdiction to inquire as to the validity of the election.

Grounds for granting order.

(2) The order may be made on the judge or officer being satisfied by affidavit or other evidence that the inspection is required for the purpose of maintaining a prosecution for an offence in relation to ballot papers, or of taking proceedings for contesting the election or return.

Order may be subject to conditions.

(3) The order may be made subject to such conditions as the judge or officer may deem proper. 1922, c. 72, s. 147.

Production of documents and indorsements on ballot papers evidence for certain purposes.

156. Where an order is made for the production by the clerk of any document in his possession relating to an election, the production of it by him in such manner as may be directed by the order shall be evidence that the document relates to the election; and any indorsement appearing on any packet of ballot papers so produced shall be evidence that the contents are what they are stated to be by the indorsement. 1922, c. 72, s. 148.

Expressions referring to agents.

157. Where in this part expressions are used, requiring or authorizing any act or thing to be done, or implying that any act or thing is to be done in the presence of the agents of the candidate, they shall be deemed to refer to the presence of such agents of the candidates as are authorized to attend, and as have in fact attended, at the time and place where such act or thing is being done; and the non-attendance of an agent at such time and place, if it is otherwise duly done, shall not invalidate the act or thing done. 1922, c. 72, s. 149.

Non-attendance of agents.

158. No election shall be or be declared to be invalid— When election not to be declared invalid.

- (a) For non-compliance with the provisions of this Act as to the taking of the poll or anything preliminary thereto or as to the counting of the votes; or
- (b) By reason of mistake in the use of the prescribed forms; or
- (c) By reason of any mistake or irregularity in the proceedings at or in relation to the election;

if it appears to the tribunal by which the validity of the election or any proceeding in relation to it is to be determined that the election was conducted in accordance with the principles laid down in this Act. and it does not appear that such non-compliance, mistake or irregularity affected the result of the election. 1922, c. 72, s. 150.

159. The reasonable expenses incurred by a clerk or any other officer for printing, providing ballot boxes, ballot papers, materials for marking ballot papers, and balloting compartments, and for the transmission of packets, and reasonable fees and allowances for services rendered under this Part, shall be paid to the clerk by the treasurer, and shall be paid by the clerk to the persons entitled thereto. 1922, c. 72, s. 151. Expenses incurred by officers to be repaid to them.

Vacancies in Council.

160. The seat of a member of a council shall become vacant if he— Seat to become vacant by crime, insolvency, absence, etc.

- (a) Is undergoing imprisonment under sentence for a criminal offence; or
- (b) Becomes bankrupt or insolvent within the meaning of any Bankruptcy or Insolvency Act in force in Ontario; or Bankruptcy.
- (c) Is in close custody under *The Fraudulent Debtors Arrest Act* or is discharged from close custody under section 52 of that Act; or Rev. Stat. c. 115.
- (d) Assigns his property for the benefit of his creditors; or
- (e) Absents himself from the meetings of the council for three successive months without being authorized so to do by a resolution of the council entered upon its minutes

and the council shall forthwith declare the seat to be vacant. 1922, c. 72, s. 152; 1927, c. 61, s. 10.

Proceedings,
if disquali-
fied member
fails to
resign.

161. Except in the cases provided for by section 160, if a member of a council forfeits his seat or his right to it or becomes disqualified to hold it and does not forthwith resign his seat, proceedings may be taken under sections 167 to 186 to declare it vacant. 1922, c. 72, s. 153.

Resignation
of member
with consent
of council.

162. A member of a council, with the consent of the majority of the members present at a meeting, entered upon the minutes of it, may resign his office and his seat in the council. 1922, c. 72, s. 154.

Resignation
of warden.

163.—(1) The warden of a county may resign his office either by verbal intimation to the county council when in session or by letter to the clerk when the council is not in session.

Vacancy in
office of
warden—
how filled.

(2) Where from any cause a vacancy occurs in the office of warden when the council is not in session, the clerk shall forthwith notify the members of the vacancy, and if required in writing so to do by a majority of them, he shall call a special meeting of the council to fill the vacancy. 1922, c. 72, s. 155.

When new
election to
be held.

164.—(1) Subject to sections 165 and 166, a new election shall be forthwith held where—

(a) A person elected has neglected or refused to accept office or to make the prescribed declarations within the prescribed time; or

(b) A vacancy, except in the office of controller, occurs from any cause.

Warrant
for new
election.

(2) Where a new election is to be held the head of the council, or if he is absent or unable to act or there is a vacancy in the office, the clerk, or if they are both absent or unable to act or both offices are vacant, one of the members of the council shall forthwith issue a warrant under his hand for the holding of the new election.

Returning
and deputy
returning
officers—
nomination
and polling.

(3) The returning officer and the deputy returning officers appointed to hold the next preceding election shall be the returning officer and the deputy returning officers to hold the new election, and the nomination shall be held and the polling shall take place at the respective places at which the nomination was held and the polling took place at such last election, unless the council appoints other persons to hold the election and other places at which the nomination shall be held and the polling take place, which the council may do.

(4) Where a new election becomes necessary before the first meeting of the council in the year for which it is elected the duties which by subsection 2 are to be performed by the head, clerk, or a member of the council shall be performed by the head, clerk, or a member of the council of the next preceding year.

Procedure where new election before first meeting of council.

(5) The new election shall be held at the latest within fifteen days after the receipt of the warrant by the person to whom it is directed, and the person issuing the warrant shall appoint a time for the nomination of candidates and for the polling if a poll is required, and the election shall be conducted in like manner as an annual election.

Time for holding election.

(6) The person elected shall hold office for the residue of the term for which the person whose place he is elected to fill was elected.

Term of office of members elected.

(7) Notwithstanding that a new election becomes necessary meetings of the council may be held if a majority of the full number of the council is present. 1922, c. 72, s. 156.

Majority of council may hold meeting.

165.—(1) Where a vacancy occurs in the office of alderman in a city where aldermen are elected by general vote, the unsuccessful candidate who received the highest number of votes at the next preceding election shall be entitled to the office upon making the prescribed declarations within the prescribed time, and if he fails to do so or disclaims the office one of the candidates following in regular order according to the number of votes received shall, as hereinafter provided, become entitled to the office on making such declarations within the prescribed time.

Vacancies in office of alderman in cities where election is by general vote.

(2) Where the number of votes cast for two or more of such candidates is equal, their order of succession shall be determined by the amounts for which they are respectively rated upon the last revised assessment roll, the candidate having the largest assessment having the priority.

Candidate having largest assessment to have priority in case of a tie.

(3) The clerk shall immediately after the vacancy occurs give notice in writing to the candidate who is first in succession that he is entitled to such vacant office if he makes the prescribed declarations within one week after the giving of the notice, and that if he fails to make the declarations within that time he shall be deemed to have disclaimed the office.

Notice of vacancy.

(4) If a candidate fails to make the prescribed declarations within the prescribed time, or disclaims the office, the clerk shall forthwith give notice in writing to the candidate next in succession in the same terms as the notice to the first candidate, until the vacant office has been filled or the list of candidates entitled to take it is exhausted.

Failure to take prescribed declarations.

Service of
notice on
candidate.

(5) The notice may be served personally or may be sent by registered letter addressed to the candidate, and a record of the service or of the mailing and of the address shall be preserved by the clerk.

When
council to
elect person
to fill
vacancy.

(6) If all the aldermen were elected by acclamation, or if no candidate takes the vacant office under the preceding provisions of this section, the council shall forthwith elect a person to fill the vacancy for the remainder of the term of the member whose seat has become vacant. 1922, c. 72, s. 157.

Vacancy in
office of
mayor of
city.

166.—(1) Where the office of mayor of a city becomes vacant in any year and an election to fill the vacancy has not been ordered in a judicial proceeding, the council shall elect one of their number to fill the office for the remainder of the term. 1922, c. 72, s. 158 (1); 1925, c. 59, s. 3.

In office
of mayor,
reeve and
deputy
reeve in
towns and
villages.

(2) Where the office of mayor, reeve or deputy reeve of a town or of reeve or deputy reeve of a village or township becomes vacant after the first day of November in any year or after the 1st day of October where a by-law has been passed under section 75, and an election to fill the vacancy has not been ordered in a judicial proceeding, the council may elect one of its number to fill the office for the remainder of the term. 1922, c. 72, s. 158 (2); 1927, c. 61, s. 11.

When
vacancy
need not
be filled.

(3) Where a vacancy occurs in the office of councillor after the first day of November in any year and an election has not been ordered in a judicial proceeding it shall not be necessary that the vacancy be filled if the council so directs. 1922, c. 72, s. 158 (3); 1925, c. 59, s. 4.

Vacancy in
office of
alderman.

(4) Where a vacancy occurs in the office of alderman where aldermen are not elected by general vote and an election has not been ordered in a judicial proceeding the council, at a meeting called for that purpose, shall elect a person to fill the vacancy for the unexpired term of the member whose seat has become vacant. 1925, c. 59, s. 5.

PART IV.

PROCEEDINGS TO DECLARE SEAT VACANT.

Procedure.

Interpre-
tation.

167. In this Part,—

“Judge,”

(a) “Judge” unless the Court is referred to by name shall include a Judge of the Supreme Court and a judge of a county or district court;

“Master in
Chambers.”

(b) “Master in Chambers” shall include any officer having jurisdiction to sit and act for the Master in Chambers. 1922, c. 72, s. 160.

168.—(1) The validity of the election of a member of a council or his right to hold his seat, or the right of a local municipality to a deputy reeve, may be tried and determined by a Judge of the Supreme Court, by the Master in Chambers, or by a judge of the county or district court of the county or district in which the municipality is situate.

Who may try validity of election or right to deputy reeve.

(2) Where the right of a municipality to a deputy reeve is contested any municipal elector in the county or where the validity of the election is contested, any candidate at the election or an elector who gave or tendered his vote at it, or where the election was by acclamation, or the right to sit is contested on the ground that the member has become disqualified or has forfeited his seat since his election, an elector entitled to vote at the election may be the relator. 1922, c. 72, s. 161.

Relator—where right to deputy reeve contested.

169.—(1) If within six weeks after an election, or one month after the acceptance of office by a member of a council a person entitled to be a relator shows by affidavit reasonable ground for supposing that the election was not legal, or was not conducted according to law, or that the person declared elected was not duly elected, or for contesting the validity of the election, or if within six weeks after the facts come to the knowledge of a person entitled to be a relator he shows by affidavit reasonable ground for supposing that a member of a council has forfeited his seat or become disqualified since his election, the judge or the Master in Chambers, as the case may be, shall give his fiat, authorizing the relator, upon entering into a recognizance as hereinafter provided, and the same being allowed as sufficient, to serve a notice of motion to determine the matter.

Time within which proceedings to be instituted and security and proof required.

(2) The recognizance shall be entered into before the Judge or Master in Chambers granting the fiat or before a commissioner for taking affidavits, by the relator in the sum of \$200 and by two sureties, to be allowed as sufficient by the Judge or Master in Chambers upon affidavit of justification, each in the sum of \$100; and shall be conditioned to prosecute the motion with effect and to pay to the person against whom it is made any costs which may be adjudged to him against the relator.

Recognizance.

(3) When the recognizance has been allowed as sufficient, the Judge or Master in Chambers by whom it is allowed shall note upon it and upon the fiat allowing service of the notice of motion, the words "*Recognizance allowed*" and shall initial the same.

Allowance of recognizance.

(4) Where the proceedings are taken before a Judge of the Supreme Court or before the Master in Chambers they shall be entitled in the Supreme Court; and where they are taken before a judge of a county or district court they shall be entitled in that court. 1922, c. 72, s. 162.

Proceedings—how to be entitled.

Contents
of notice
of motion.

170. The relator in his notice of motion shall set forth his name in full, his occupation and place of residence, and the interest which he has in the election, whether as candidate or as an elector, and shall state specifically under distinct heads all the grounds of objection to the validity of the election complained of, and in favour of the validity of the election of himself or of any other person, where the relator claims that he or that such person was duly elected, or the grounds of forfeiture or disqualification, as the case may be. 1922, c. 72, s. 163.

Affidavits,
etc., to be
filed.

171. Before serving the notice of motion, the relator shall file all the affidavits and material upon which he intends to move, except where oral evidence is to be taken, and in that case he shall name in the notice the witnesses whom he proposes to examine. 1922, c. 72, s. 164.

Service of
notice of
motion.

172. The notice of motion shall be served within two weeks from the date of the fiat, unless upon a motion to allow substituted service the Judge or Master in Chambers otherwise orders, and not less than seven clear days before the day on which the motion is returnable, and shall be served personally, unless the person to be served avoids personal service, in which case an order may be made for substituted service. 1922, c. 72, s. 165.

Where
relator
claims that
he or
another was
elected.

173. Where the relator alleges that he or some other person was duly elected, the motion shall be to try the validity of the election complained of and of the alleged election of the relator or other person. 1922, c. 72, s. 166.

One motion
against
several
persons.

174. Where the grounds of objection apply to two or more persons elected or sitting as members of a council, the relator may proceed by one motion against all of them. 1922, c. 72, s. 167.

Hearing of
motion.

175. On the hearing of the motion the relator shall not be allowed to object to the election of the person complained of or to support the election of himself or of any person alleged to have been duly elected or to attack the right of any member to sit on any ground not specified in the notice of motion; but the judge or the Master in Chambers may entertain any substantial ground of objection to or in support of the validity of the election of either or any of the parties which may appear in evidence before him. 1922, c. 72, s. 168.

Who to hear
motions
when more
than one.

176. Where more motions than one are made to try the validity of the election, or the right to sit of the same person, all of them shall be made returnable, and unless otherwise directed by a Judge of the Supreme Court, shall be heard and determined by the Judge or Master in Chambers before whom

the motion, notice of which was first served, is returnable, and one order upon all, or a separate order upon one or more of them may be made, as he may deem proper. 1922, c. 72, s. 169.

177. The Judge or Master in Chambers may require the clerk of any municipality to produce before him or to forward under seal to the clerk of the county or district court for the purpose of production, such assessment rolls, collector's rolls, ballot papers, books, voters' and other lists, and other records of the election and papers in his hands connected with or relating to it as the Judge or Master in Chambers may deem proper. 1922, c. 72, s. 170.

Requiring clerk to attend with rolls, voters' lists, etc.

178. Where the motion is returnable before a Judge of the Supreme Court he may direct that the evidence to be used on the hearing of the motion be taken orally in the presence of counsel for or after notice to all parties interested before a special examiner or a judge of a county or district court, who shall return the evidence so taken to the proper officer of the Supreme Court. 1922, c. 72, s. 171.

Taking of evidence to be used on motion.

179.—(1) The Judge or Master in Chambers, at any stage of the proceedings, may—

Returning officer, etc., may be made a party.

(a) Add the returning officer or any deputy returning officer or other person as a party to the proceedings,

(b) Allow any person entitled to be a relator to intervene and prosecute, or to defend, and may grant a reasonable time for that purpose.

Person entitled to be a relator may prosecute or defend.

(2) An intervening party shall be liable for or entitled to costs like any other party to the proceedings. 1922, c. 72, s. 172.

Costs.

180.—(1) The Judge or Master in Chambers shall, in a summary manner, without formal pleadings, hear and determine the questions raised by or upon the motion, and, subject to subsection 2, may inquire into the facts on affidavit, by oral testimony, or by an issue framed by him and sent to be tried by a jury in any Court named by him, or by one or more of those means.

Mode of trial.

(2) Where a question is raised as to whether the candidate or any voter has been guilty of any violation of sections 194 to 196, affidavit evidence shall not be used to prove the offence, but it shall be proved by oral evidence taken before the judge or before a special examiner or a judge of a county or district court, upon an order of reference to him for that purpose by the Judge of the Supreme Court, if the motion

Evidence of corrupt practice to be taken orally.

is returnable before a Judge of the Supreme Court, or before the Master in Chambers or the judge of the county or district court if the motion is returnable before him.

Striking
off votes.

(3) Where the seat is claimed for any person, if a candidate is proved to have been guilty, himself or by any person on his behalf, of bribery or of a corrupt practice with respect to a voter who voted at the election, or if a voter, who is employed on behalf of such candidate and is disqualified under subsection 1 of section 62, is proved to have voted, there shall be struck off the number of votes given for such candidate one vote for every such voter. 1922, c. 72, s. 173.

If election
invalid,
order for
removal
from office
of person
unduly
elected, etc.

181.—(1) Where the election complained of is adjudged to be invalid, the order shall provide that the person found not to have been duly elected be removed from the office, and if it is determined that any other person was duly elected that he be admitted forthwith to the office.

Order for
new
election.

(2) Where it is determined that no other person was duly elected, or that a person duly elected has become disqualified or has forfeited his seat, the order shall provide for the removal from office of such last mentioned person and, except as provided by section 165, for the holding of a new election. 1922, c. 72, s. 174.

Order for
new elec-
tion to be
directed to
clerk or
sheriff.

182. Where the election of all the members of a council is adjudged to be invalid, or where it is determined that all of them have become disqualified or have forfeited their seats, the order for their removal, and for the election of new members in their places or for the admission of others adjudged to be legally elected, and for an election to fill the remaining seats in the council, shall be directed to the clerk of the municipality or where there is no clerk to the sheriff of the county or district in which the municipality is situate, who shall have all the powers for causing the election to be held which a municipal council or any member or officer of it has in order to fill a vacancy in it. 1922, c. 72, s. 175.

Where
election
declared
invalid
owing to
refusal to
permit
qualified
persons to
vote.

183.—(1) Where an election is adjudged to be invalid owing to the improper refusal of the returning officer or of a deputy returning officer to receive a ballot paper tendered by or to give a ballot paper to an elector, or owing to such officer having put into the ballot box a ballot paper which was not lawfully received from an elector, the judge or Master in Chambers may order that the costs of the proceedings to unseat the person declared elected, or any part of them, be paid by such returning officer or deputy returning officer.

Right of
action
against
officers
prcserved.

(2) Nothing in this section shall affect any right of action against the returning officer or deputy returning officer or relieve him from any penalty to which he may be liable under this Act. 1922, c. 72, s. 176.

184.—(1) After the adjudication an order shall be drawn up, stating concisely the ground and effect of the decision. Order.

(2) The order may be at any time amended by the judge or Master in Chambers in any matter of form, and shall have the same force and effect as a writ of mandamus formerly had in the like case. 1922, c. 72, s. 177. Amendment of order.

185. The judge or Master in Chambers forthwith after rendering his decision shall return the same with all things had before him touching the proceeding, to the proper officer of the court, there to remain of record as a judgment of the court; and the judgment may be enforced for the costs awarded by execution and in other respects in the same manner as an order of mandamus. 1922, c. 72, s. 178. Judgment to be returned to proper officer of court.

186.—(1) The decision of a Judge of the Supreme Court shall be final, but an appeal shall lie from the decision or order of the Master in Chambers or of a judge of a county or district court to a Judge of the Supreme Court whose decision shall be final. Appeals from Master in Chambers or County Judge.

(2) The practice and procedure on and in relation to the appeal shall be the same, as nearly as may be, as in the case of an appeal from a decision of the Master in Chambers in an action or proceeding in the Supreme Court. 1922, c. 72, s. 179. Procedure on appeal.

187.—(1) A candidate elected who is found to have been guilty of bribery, or of a corrupt practice, shall forfeit his seat, and shall be ineligible as a candidate at any election for two years thereafter. Disqualification of candidate guilty of corrupt practice.

(2) The judge or Master in Chambers shall report to the clerk of the municipality in which the offence was committed the name of every candidate who has been so found guilty, and the clerk shall enter his name in a book to be kept for that purpose. 1922, c. 72, s. 180. Report to be made to clerk.

Disclaimer.

188. Any person elected may at any time after the election, and before it is complained of, deliver to the clerk of the municipality a disclaimer signed by him, to the effect following: Disclaimer before election complained of.

*"I, A.B., hereby disclaim all right to the office of
for the _____ of
_____, in the county (or
district) of _____, and all defence of any right I
may have to the same.*

*Dated _____ day of _____, 19
A.B."*

1922, c. 72, s. 181.

When
defendant
may dis-
claim.

189. A person whose election is complained of, unless it is complained of on the ground of bribery or corrupt practices on his part, or a person whose seat is attacked on the ground that he has become disqualified or has forfeited his seat, may, within one week after service on him of the notice of motion, transmit by registered post, or deliver, if the proceedings are in the Supreme Court, to the Clerk in Chambers, at Osgoode Hall, Toronto, or if the proceedings are in a county or district court to the judge of that court, and to the relator or his solicitor, a disclaimer signed by him to the effect following :—

“I, A.B., upon whom a notice of motion, in the nature of a quo warranto has been served for the purpose of contesting my right to the office of _____, in the county (or district) of _____, hereby disclaim the said office, and all defence of any right I may have to the same.

Dated _____ day of _____, 19 ____ A.B.”

1922, c. 72, s. 182.

Duplicate of
disclaimer
to be
delivered
to clerk.

190. A person disclaiming shall deliver a duplicate of his disclaimer to the clerk of the municipality, and the clerk shall forthwith communicate it to the council. 1922, c. 72, s. 183.

Disclaimer
to operate
as resigna-
tion.

191.—(1) A disclaimer in accordance with section 188 or 189 shall operate as a resignation.

Costs.

(2) A disclaimer in accordance with section 188 shall relieve the person making it from all liability for costs.

When costs
not to be
awarded.

(3) Costs shall not be awarded against a person disclaiming under section 189, unless he consented to his nomination or accepted the office. 1922, c. 72, s. 184.

Rules of Practice.

Judges to
make rules,
etc.

192. The Judges of the Supreme Court may make rules regulating the practice and procedure in relation to proceedings under this Part, including the costs of and incidental to them, and as to matters not provided for in it, or by Rules of Court, the practice and procedure of the Supreme Court shall be applicable. 1922, c. 72, s. 185.

Procedure
substituted
for quo
warranto
proceedings.

193. Proceedings for the removal from office of a person whose election is alleged to have been undue or illegal, or who is alleged not to have been duly elected, whether or not the seat is claimed by or on behalf of the relator or any other person, and proceedings to have the right of a person to sit in a council determined shall be had and taken under the provisions of this Part and not by *quo warranto* proceedings or by an action in any court. 1922, c. 72, s. 186.

PART V.

*BRIBERY AND CORRUPT PRACTICES.***194.**—(1) Every person who:—Bribery—
who guilty of.

- (a) Directly or indirectly, himself or by any other person on his behalf, gives, lends or agrees to give or lend, or offers or promises any money or valuable consideration, or promises to procure, or to endeavour to procure any money or valuable consideration to or for any voter, or to or for any person on behalf of any voter, or to or for any person in order to induce any voter to vote, or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or
- Bribing
voter or
procuring
bribery by
money.
- (b) Directly or indirectly, himself or by any other person on his behalf, gives or procures, or agrees to give or procure, or offers or promises any office, place or employment, or promises to procure or to endeavour to procure any office, place or employment to or for any voter, or to or for any other person in order to induce any voter to vote, or refrain from voting or corruptly does any such act on account of any voter having voted or refrained from voting at an election; or
- By gift or
offer or
promise of
employment.
- (c) Directly or indirectly, himself or by any other person on his behalf, makes any such gift, loan, offer, promise, procurement or agreement, to or for any person, in order to induce such person to procure or endeavour to procure the return of any candidate, or the vote of any voter at an election; or
- To induce
anyone to
procure
return of
candidate
or endeavour
to procure.
- (d) Upon or in consequence of any such gift, loan, offer, promise, procurement or agreement, procures or engages, promises or endeavours to procure the return of any candidate, or the vote of any voter at an election; or
- Receiving
bribe to pro-
cure return
of candidate.
- (e) Advances or pays, or causes to be paid, money to or to the use of any other person, with the intent that such money or any part of it shall be expended in corrupt practices at an election, or who knowingly pays or causes to be paid money to any person in discharge or repayment of money wholly or in part expended in corrupt practices at an election; or
- Advancing
money to
be spent in
corrupt
practices.

Applying
for money
or employ-
ment in
considera-
tion of
voting.

(f) Directly or indirectly, himself or by any other person on his behalf, on account of, and as payment for voting or for having voted, or for illegally agreeing or having agreed to vote for any candidate at an election, or on account of, and as payment for having illegally assisted or agreed to assist any candidate at an election, applies to such candidate, or to his agent, for the gift or loan of any money or valuable consideration, or for the promise of the gift or loan of any money or valuable consideration, or for any office, place or employment, or the promise of any office, place or employment; or

Receiving
money,
office, etc.,
for having
voted.

(g) Before or during an election, directly or indirectly, himself or by any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, office, place or employment, for himself or any other person, for voting or agreeing to vote, or for refraining or agreeing to refrain from voting at an election; or

Receiving
money cor-
ruptly after
election.

(h) After an election, directly or indirectly, himself or by any other person on his behalf, receives any money or valuable consideration for having voted or refrained from voting, or for having induced any other person to vote or refrain from voting at an election; or

Giving or
promising
office to
candidate
to stand or
withdraw.

(i) In order to induce a person to allow himself to be nominated as a candidate, or to refrain from becoming a candidate, or to withdraw if he has become a candidate, gives or procures any office, place or employment, or agrees to give or procure or offers or promises to procure, or endeavours to procure any office, place or employment for such person, or for any other person,

Penalty.

shall be guilty of bribery, shall be disqualified from voting at any election for two years, and shall incur a penalty of \$200, and shall also be liable to imprisonment for any term not exceeding six months. (*See section 509 post.*)

Personal
expenses of
candidates.

(2) The actual personal expenses of a candidate, his reasonable expenses for actual professional services performed, and *bona fide* payments for the fair cost of printing and advertising and other lawful and reasonable expenses in connection with the election, incurred by the candidate or any agent in good faith and without any corrupt intent, shall be deemed to be expenses lawfully incurred, and the payment thereof shall not be a contravention of this Act. 1922, c. 72, s. 187.

Conveying
voters to
poll.

195.—(1) A candidate who himself or by any other person on his behalf and every other person who:—

- (a) Hires or promises to pay or pays for a conveyance to carry a voter to or near or from or on the way to or from a polling place; or
- (b) Pays the travelling or other expenses of a voter in going to or returning from a polling place;

and every person who for a valuable consideration provides or furnishes a conveyance knowing that it is to be used to carry a voter other than the hirer to, or near, or from, or on the way to or from a polling place shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, a voter, shall be disqualified from voting at the election; but this subsection shall not apply to the carrying of voters to the poll in a conveyance used by the candidate personally on polling day.

(2) Every person who provides or furnishes transportation free of charge or at a diminished rate to a voter to, or near, or from, or on the way to or from a polling place, and whether passes or tickets or the like are or are not supplied, shall be guilty of a corrupt practice and shall incur a penalty of \$100, and, if a voter, shall be disqualified from voting at the election. 1922, c. 72, s. 188 (1, 2). Furnishing transportation to voters.

(3) Save as provided in subsection 1 nothing in this Act contained shall render it unlawful for any person to provide his own private vehicles for the purpose of taking voters to and from the poll free of charge. 1927, c. 61, s. 13. Exception as to private vehicles.

(4) "Conveyance," for the purposes of this section, shall include a horse, team, carriage, cab, vehicle, boat or vessel. 1922, c. 72, s. 188 (3). "Conveyance," meaning of.

196.—(1) Every person who, directly or indirectly, himself, or by any other person on his behalf, uses or threatens to use force, violence, or restraint, or inflicts or threatens to inflict injury, damage, harm or loss, or in any manner practises intimidation upon or against a voter in order to induce or compel him to vote, or refrain from voting, or on account of his having voted or refrained from voting, or who, by abduction, duress, or false or fraudulent pretence, device or contrivance, impedes, prevents or otherwise interferes with the free exercise of the franchise of a voter, or thereby compels, induces or prevails upon a voter to vote or refrain from voting, shall be guilty of a corrupt practice and shall be disqualified from voting for two years and shall incur a penalty of \$200, and shall also be liable to imprisonment for any term not exceeding one year. Undue influence.

(2) It shall be a false pretence within the meaning of this section to represent to a voter, directly or indirectly, that the ballot to be used, or the mode of voting at an election, is not secret. 1922, c. 72, s. 189. Pretence, that ballot not secret.

Posting
of provisions
as to corrupt
practices.

197. The clerk shall furnish every deputy returning officer with at least two copies of sections 194 to 196, and the deputy returning officer shall post the same in conspicuous places at the polling place. 1922, c. 72, s. 190.

Witnesses
not excused
from answer-
ing on
grounds of
privilege, etc.

198.—(1) No person shall be excused from answering any question put to him in an action or proceeding touching or concerning an election, or the conduct of any person thereat, or in relation thereto, on the ground of any privilege, or on the ground that the answer will tend to criminate him, or subject him to any penalty under this Act.

Answers of
witness not
to be used
against him
if judge
gives cer-
tificate.

(2) No answer given by any person claiming to be excused on the ground of privilege, or on the ground that such answer will tend to criminate him or subject him to any penalty under this Act, shall be used in any proceeding thereunder against such person, if the judge or officer before whom he is examined gives to the witness a certificate that he claimed the right to be excused on either of such grounds, and made full and true answer, to the satisfaction of the judge. 1922, c. 72, s. 191.

When no penalty recoverable.

When penalty
for corrupt
practice
not to be
recoverable.

199. No pecuniary penalty shall be recoverable for bribery or a corrupt practice if it appears that the person charged and another person or other persons were together guilty of the act charged, either as giver and receiver, or as accomplices or otherwise, and that the person charged has previously *bona fide* prosecuted such other person or persons or any of them for the offence; but this provision shall not apply if the judge before whom the person claiming the benefit of it is charged, certifies that it clearly appears to him that the person so charged took the first step towards the commission of the offence, and that he was in fact the principal offender. 1922, c. 72, s. 192.

PART VI.

MEETINGS OF MUNICIPAL COUNCILS.

First Meeting of Council.

First meeting
of council.

200.—(1) Subject to subsection 2 the first meeting of every council, except a county council, shall be held on the second Monday in January of the year for which the council is elected, at eleven o'clock in the forenoon; and the first meeting of every county council shall be held on the fourth Tuesday of the same month, at two o'clock in the afternoon, but the council of any county may, by by-law, provide that the first meeting shall be held at half-past seven o'clock in the afternoon of such fourth Tuesday or at two o'clock in the after-

noon or at half-past seven o'clock in the afternoon of the next preceding Monday. 1923, c. 41, s. 3; 1924, c. 53, s. 1.

(2) The council of any local municipality in which a by-law passed under the provisions of section 75 is in effect, may hold its first meeting on the first Monday in January, except where that day is a holiday, and in that case on the following Tuesday, and may fix by by-law the hour at which such meeting shall be held. 1924, c. 53, s. 1.

First meeting where by-law passed under s. 75.

(3) No business shall be proceeded with at the first meeting until after the declarations of office and qualification have been made by all the members who present themselves for that purpose.

Declarations of office before business.

(4) A council shall be deemed to be organized within the meaning of this Act when the declarations of office and qualification have been made by a majority of the members, and it may be organized and business may be proceeded with notwithstanding the failure of any of the other members to make such declarations. 1922, c. 72, s. 193 (2, 3).

When council deemed organized.

201. A member of a county council shall not take his seat until he has filed with the clerk of the county council a certificate, Form 15, under the hand of the clerk of the municipality for which he was elected and the seal of the corporation. 1922, c. 72, s. 194.

Certificate of election.

202.—(1) In each year at the first meeting of a county council at which a majority of all the members is present they shall organize as a council and elect one of the members to be warden.

Warden, election of.

(2) The clerk shall preside, or if there is no clerk the members present shall select a member to preside, and the person so elected may vote as a member.

Clerk to preside.

(3) Subject to subsection 4 and to section 213 the warden shall be elected in the manner provided by resolution of the council passed prior to the election.

Conduct of election.

(4) In case of an equality of votes the reeve, or in his absence the deputy reeve, or if there are more deputy Reeves than one, the first deputy reeve, of the municipality which for the preceding year had the largest equalized assessment, shall have a second or casting vote. 1922, c. 72, s. 195.

Case of equality of votes.

Place of Meeting.

203. The first meeting of a county council shall be held at the county hall if there is one, and if there is none, at the court house. 1922, c. 72, s. 196.

Place of first meeting of county council.

Subsequent
meetings.

204. The subsequent meetings of the county council, and all meetings of every other council shall be held at such place as the council from time to time appoints. 1922, c. 72, s. 197.

Location of
county and
township
offices.

205.—(1) The council of a county in which an urban municipality lies may hold its meetings, keep its public offices and transact all the business of the corporation and of its officers and servants within such municipality, and may acquire or rent and hold such real estate therein and erect such buildings thereon as may be convenient for such purpose.

(2) The council of a township shall have the like power in respect of an adjacent urban municipality or township in the same county. 1922, c. 72, s. 198.

Ordinary
meetings
to be open.

206.—(1) The ordinary meetings of every council shall be open, and no person shall be excluded therefrom except for improper conduct.

Exclusion
of certain
persons.

(2) The head or other presiding officer may expel or exclude from any meeting any person who has been guilty of improper conduct at such meeting. 1922, c. 72, s. 199.

Quorum.

207.—(1) A majority of the whole number of members required to constitute a council shall be necessary to form a quorum.

Where coun-
cil consists
of five
members.

(2) Where a council consists of only five members, the concurrent votes of at least three of them shall be necessary to carry any resolution or other measure. 1922, c. 72, s. 200.

Head of
council to
preside.

208.—(1) The head of the council shall preside at all meetings, and may at any time summon a special meeting; and it shall be his duty to do so when requested in writing by a majority of the members.

Special
meetings.

(2) In the absence of the head of the council or if his office is vacant, a special meeting may be summoned by the clerk upon a requisition signed by a majority of the members. 1922, c. 72, s. 201.

Place of
special
meeting.

209. If there is no by-law or resolution fixing the place of meeting, a special meeting shall be held at the place where the then last meeting was held, and a special meeting may be either open or closed as in the opinion of the council expressed by resolution in writing the public interest requires. 1922, c. 72, s. 202.

Appointment
of presiding
officer in
absence of
head.

210. In the absence of the head of the council, or if his office is vacant, the council may, from among the members, appoint a presiding officer, who during such absence or vacancy shall have all the powers of the head of the council. 1922, c. 72, s. 203.

211. If the person who ought to preside at any meeting does not attend within fifteen minutes after the hour appointed, the members present may appoint a presiding officer from among themselves, and he shall have the same authority as the absent person would have had if present. 1922, c. 72, s. 204.

Casual
absence of
presiding
officer.

212. The head of the council, or the presiding officer, except where he is disqualified to vote by reason of interest or otherwise, may vote with the other members on all questions, and, except where otherwise expressly provided by this Act, any question on which there is an equality of votes shall be deemed to be negatived. 1922, c. 72, s. 205.

Head or
presiding
officer may
vote.

Equality
of votes to
negative
question.

213—(1) Where a division is taken upon the election of a warden or other presiding officer, upon the appointment of an officer of the corporation or upon a by-law, resolution or for any other purpose, each member present shall announce his vote openly and individually, and the clerk shall record it.

Voting to
be open
and to be
recorded.

(2) No vote shall be taken by ballot or by any other method of secret voting, and every vote so taken shall be of no effect. 1922, c. 72, s. 206.

No vote
by ballot.

214. No member of a council shall vote on any by-law appointing him to any office in the gift of the council or fixing or providing his remuneration for any service to the corporation; but this shall not apply to allowances for attendance at meetings of the council or its committees. 1922, c. 72, s. 207.

Prohibition
as to mem-
ber voting to
appoint him-
self to office.

215. A council may adjourn its meetings from time to time. 1922, c. 72, s. 208.

Adjourn-
ment.

PART VII.

BOARDS OF CONTROL.

216. In cities having a population of not less than 100,000, there shall be a Board of Control consisting of the Mayor and four controllers to be elected by general vote. 1927, c. 61, s. 14.

In cities of
not less than
100,000.

217—(1) In cities having a population of less than 100,000, but more than 45,000 the council may, with the assent of the municipal electors pass a by-law providing that there shall be a board of control consisting of the Mayor and four Controllers to be elected by general vote.

In cities
between
45,000 and
100,000.

(2) No such by-law shall be repealed without the assent of the municipal electors, nor until at least five annual elections have been held under it, and no repealing by-law shall be passed later in the year than the first day of November. 1927, c. 61, s. 14.

Repeal of
by-law.

Salaries
of members.

218.—(1) The council of any city having a Board of Control may by by-law fix the salaries of the members of the board.

(2) Where the population of a city is less than 100,000 the salary shall not exceed for each member of the Board the sum of \$1,500 per annum.

(3) Where the population of a city exceeds 100,000 but is less than 200,000 the salary shall not exceed for each member of the Board the sum of \$2,500 per annum.

(4) Where the population of a city exceeds 200,000 the salary shall not exceed for each member of the Board the sum of \$5,000 per annum. 1927, c. 61, s. 14.

Presiding
officer to
act in
absence
of mayor.

219. During the absence of the Mayor or if there is a vacancy in the office the person appointed as presiding officer of the council shall act as a member of the Board. 1922, c. 72, s. 211.

Quorum.
Mayor to
preside.

220.—(1) Three members of a Board of Control shall form a quorum, and the Mayor shall preside at the meetings of the board, and in his absence the members shall appoint one of their number to preside.

Filling
vacancies.

(2) If a vacancy occurs in the office of controller the council, at a meeting called for that purpose, shall elect a person to fill the vacancy for the unexpired term of the member whose seat has become vacant. 1922, c. 72, s. 212.

Duties of
board.

221.—(1) It shall be the duty of the Board of Control:

To prepare
estimates.

(a) To prepare estimates of the proposed expenditure of the year and certify it to the council for its consideration.

To award
contracts.

(b) To prepare specifications for and award all contracts and for that purpose to call for all tenders for works, material and supplies, implements, machinery, or other goods or property required and which may lawfully be purchased for the use of the corporation, and to report its action to the council at its next meeting.

To inspect
municipal
works.

(c) To inspect and report to the council monthly or oftener upon all municipal works being carried on or in progress.

To nominate
officers of
corporation.

(d) To nominate to the council all heads of departments and sub-departments in case of a vacancy and, after a favorable report by the head of the department, any other officer of the corporation required to be appointed by by-law or resolution

of the council, and any other permanent officers, clerks or assistants, and to recommend the salaries of all officers and clerks.

- (e) To dismiss or suspend any head of a department and forthwith to report such dismissal or suspension to the council. To suspend or dismiss.

(2) The council shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of any sum not provided for by the estimates or by a special or supplementary estimate certified by the board to the council, without a two-thirds vote of the council authorizing such appropriation or expenditure, but this prohibition shall not extend to the payment of any debenture or other debt or liability of the corporation. Estimates of board to bind council except on two-thirds vote.

(3) When opening tenders the board shall require the presence of the head of the department or sub-department with which the subject matter of them is connected, and when requisite the presence of the city solicitor. Head of department to be present when tenders are opened.

(4) The head of such department or sub-department may take part in any discussion at the board relating to the tenders. Discussion as to tenders.

(5) The council shall not, without a two-thirds vote reverse or vary the action of the board in respect of the tenders, when the effect of such vote would be to increase the cost of the work or to award the contract to a tenderer other than the one to whom the board has awarded it. Reversal by council of action of board.

(6) No head of a department or sub-department or other permanent officer, clerk or assistant shall be appointed or selected by the council in the absence of the nomination of the board as provided by clause (d) of subsection 1, without a two-thirds vote. Appointment of head of department on nomination of board.

(7) Where the head of a department has been dismissed by the board, he shall not be reappointed or reinstated by the council without a two-thirds vote. Two-thirds vote of council to reinstate head of department dismissed.

(8) In the absence of a by-law of the council prescribing the mode of appointing, engaging or employing any officers, clerks, assistants, employees, servants and workmen not included in clauses (d) and (e) of subsection 1, the board may direct by whom and in what manner they shall be appointed, engaged or employed. Controlling appointment and duties of subordinate officers.

(9) The board may submit proposed by-laws to the council. Submission of by-laws, etc.

(10) The board, where in its opinion it is desirable may amalgamate departments or sub-departments. Amalgamation of departments.

(11) The board may appoint a secretary or clerk who shall keep minutes of its proceedings, prepare its reports and Secretary of board.

perform such other duties as may be assigned to him by the board or by the mayor or the council.

Other duties assigned by council.

(12) The council may by by-law or resolution assign to the board such other duties as the council may deem proper.

Copies of minutes, when to be furnished to council.

(13) The board, when so required by resolution of the council, and upon one week's notice thereof, shall furnish to the council copies of the minutes of its proceedings and any other information in its possession which the council may require.

Referring back matter for reconsideration.

(14) The council may refer back to the board any report, nomination, question or matter for reconsideration.

Recording votes on action of board.

(15) Where it is sought in council to reverse, set aside or vary the action of the board, or where a two-thirds vote is required, the vote by yeas and nays shall be recorded in the minutes of the council.

School boards to send in estimates.

(16) The public, the high and separate school boards, the board of education, the board of commissioners of police and the public library board and every other board whose estimates are to be provided for, shall furnish to the Board on or before the first day of March in each year their annual estimates.

Certain officers not to be nominated by board.

(17) Clause (d) of subsection 1, shall not apply to a member of the fire department, except the head of it, or to an assessor, except the assessment commissioner, or to a representative of the council upon the board of a harbour trust, or of a corporation on the board of which the council is entitled to elect a representative, or to a member of the Court of Revision.

Powers of head of department before 7th April, 1896.

(18) Nothing in this section shall deprive the head of a department of the power which he possessed on the 7th day of April, 1896, under any by-law or otherwise, to dismiss any subordinate officer, clerk or employee.

Exclusive rights of board.

(19) Notwithstanding anything in this Act, the duties assigned to the board shall be discharged exclusively by the board, except in the case mentioned in subsection 9. 1922, c. 72, s. 213.

PART VIII.

OFFICERS OF MUNICIPAL CORPORATIONS.

The Head.

Who to be head of council.

222. The warden of a county, the mayor of a city or town and the reeve of a village or township, shall be the head of the council and the chief executive officer of the corporation. 1922, c. 72, s. 214.

223. It shall be the duty of the head of the council to, Duties of head of council.

- (a) Be vigilant and active in causing the laws for the government of the municipality to be duly executed and obeyed;
- (b) Oversee the conduct of all subordinate officers in the government of it and, as far as practicable, cause all negligence, carelessness and violation of duty to be prosecuted and punished; and
- (c) Communicate from time to time to the council such information, and recommend to it such measures as may tend to the improvement of the finances, health, security, cleanliness, comfort and ornament of the municipality. 1922, c. 72, s. 215.

224. The head of the council of a county and of an urban municipality may be paid such annual or other remuneration as the council may determine. 1922, c. 72, s. 216. Remuneration of head.

225. The mayor of a city or town may call out the *posse comitatus* to enforce the law within the municipality under the same circumstances in which the sheriff of a county may now by law do so. 1922, c. 72, s. 217. Mayor may call out posse comitatus.

The Clerk.

226. Every council shall appoint a clerk, whose duty it shall be: Appointment of clerk, and his duties.

- (a) To truly record in a book, without note or comment all resolutions, decisions and other proceedings of the council;
- (b) If required by any member present, to record the name and vote of every member voting on any matter or question;
- (c) To keep the books, records and accounts of the council;
- (d) To preserve and file all accounts acted upon by the council;
- (e) To keep in his office or in the place appointed for that purpose, the originals of all by-laws, and of all minutes of the proceedings of the council; and
- (f) To perform such other* duties as may be assigned to him by the council. 1922, c. 72, s. 218.

227.—(1) Any person may, at all reasonable hours, inspect any of the records, books or documents mentioned in the next preceding section and the minutes and proceedings Minutes, etc., to be open to inspection.

Copies to be furnished, and charges therefor, etc.

of any committee of the council, whether the acts of the committee have been adopted or not, and the assessment rolls, voters' lists, poll books, and other documents in the possession or under the control of the clerk, and the clerk shall, within a reasonable time, furnish copies of them, certified under his hand and the seal of the corporation, to any applicant on payment at the rate of ten cents for every hundred words, or at such lower rate as the council may fix.

Documents certified by clerk to be receivable in evidence.

(2) A copy of any record, book or document in the possession or under the control of the clerk purporting to be certified under his hand and the seal of the corporation, may be filed and used in any Court in lieu of the original, and shall be received in evidence without proof of the seal or of the signature or official character of the person appearing to have signed the same, and without further proof, unless the Court otherwise directs. 1922, c. 72, s. 219.

Provision for absence, etc., of clerk.

228. Where the clerk is absent or incapable through illness of performing his duties, the council may by resolution provide that some other person, to be named in the resolution or to be appointed under the hand of the clerk, shall act in his stead and the person so appointed shall have all the powers of the clerk. 1922, c. 72, s. 220.

Returns to be made to Bureau of Municipal Affairs.

229.—(1) The clerk of every local municipality shall in each year, within one week after the final revision of the assessment roll, make a return to the secretary of the Bureau of Municipal Affairs, on forms approved by the Lieutenant-Governor in Council and furnished by the secretary, of such statistics or information as the assessment roll or other records of his office afford, and the forms call for; and every such return shall be transmitted by registered post.

Penalty.

(2) For every contravention of this section, the clerk shall incur a penalty not exceeding \$40.

Return to Assembly.

(3) The Secretary shall cause to be prepared a tabulated statement of the returns which the Minister of Agriculture shall lay before the Assembly. 1922, c. 72, s. 221.

The Treasurer.

Treasurer to be appointed.

230.—(1) Every council shall appoint a treasurer, who may be paid either by salary or by a percentage, and may also appoint a deputy treasurer to act in the absence of the treasurer or in case of a vacancy in the office.

To give security.

(2) The treasurer and the deputy treasurer, before entering on the duties of their offices, shall give such security as the council directs for the faithful performance of such duties, and for duly accounting for and paying over all money which comes into their hands.

(3) It shall be the duty of every council, in every year, to inquire into the sufficiency of the security given by the treasurer, and to cause to be entered in its minutes the result of the inquiry. 1922, c. 72, s. 222.

Annual inquiry as to sufficiency of.

231.—(1) In case of the death of the treasurer of a county, the warden may, by warrant under his hand, appoint for such special purpose as he may deem necessary, a treasurer *pro tempore*, who shall hold office until the next meeting of the council; and all acts authorized by the warrant which are performed by him shall be as valid and binding as if performed by a treasurer.

Appointment of county treasurer *pro tem*.

(2) The warden shall, by the warrant, direct what security shall be given by the treasurer *pro tempore* for the faithful performance of his duties, and for duly accounting for, and paying over, all money which comes into his hands, and before entering upon his duties he shall give such security, but he shall not interfere with the books, vouchers, or accounts of the deceased treasurer until a proper audit of them has been made. 1922, c. 72, s. 223.

Security to be given by.

232.—(1) The treasurer shall receive, and safely keep, all money of the corporation, and shall pay out the same to such persons and in such manner as the laws of Ontario and the by-laws or resolutions of the council direct.

To receive and take care of and disburse money, etc.

(2) Except where otherwise expressly provided by this Act, a member of the council shall not receive any money from the treasurer for any work or service performed or to be performed.

When member of council may be paid for work.

(3) The treasurer shall not be liable for money paid by him in accordance with a by-law or resolution of the council, unless another disposition of it is expressly provided for by statute. 1922, c. 72, s. 224.

His liability limited.

233. The treasurer shall open an account in the name of the corporation in such of the chartered banks of Canada or at such other place of deposit as may be approved of by the council, and shall deposit to the credit of such account all money received by him on account of the corporation, and he shall keep the money of the corporation entirely separate from his own money. 1922, c. 72, s. 225.

Treasurer to open account in name of corporation.

234. Every treasurer shall prepare and submit to the council, half-yearly, a statement of the money at the credit of the corporation. 1922, c. 72, s. 226.

Half-yearly statement of assets.

235.—(1) The treasurer of every municipality, shall, on or before the first day of April in each year, transmit by registered post to the Bureau of Municipal Affairs, on forms ap-

Returns to be made to Bureau of Municipal Affairs.

proved by the Lieutenant-Governor in Council and furnished by the Bureau, such information or statistics regarding the finances or accounts of the corporation as the forms call for.

Penalty.

(2) For every contravention of this section the treasurer shall incur a penalty not exceeding \$40.

Tabulated statement of returns.

(3) The Director of the Bureau shall cause to be prepared a tabulated statement of the returns, which the Minister of Agriculture shall lay before the Assembly. 1922, c. 72, s. 227.

Treasurer making payments to other municipalities to send statements to head.

236.—(1) Every treasurer, on or before the 7th day of January in each year shall transmit by registered post to the head of every municipality to whose treasurer he has made any payment during the year ended on the 31st day of the next preceding December, a statement signed by him setting forth every such payment and the date of it.

Statements to be read to council and delivered to auditors.

(2) The head of the municipality shall cause every such statement received by him to be read at the next meeting of the council after the receipt of it, and to be delivered to the auditors before the audit of the accounts for the year to which the statement relates. 1922, c. 72, s. 228.

Provision on dismissal from office.

237. Where a treasurer is removed from office, or absconds the council shall forthwith give notice to his sureties, and his successor may draw any money of the corporation which may have been deposited by the treasurer to his credit. 1922, c. 72, s. 229.

Assessors and Collectors.

Assessors and collectors, appointment.

238.—(1) The council of every local municipality shall appoint as many assessors and shall annually appoint as many collectors for the municipality as may be deemed necessary.

When appointments to be made.

(2) The appointment shall be made as soon as practicable after the organization of the council.

Regulations as to duties of.

(3) The council may assign to an assessor or collector the district within which he is to act, and may make regulations for governing him in the performance of his duties.

Extent of jurisdiction.

(4) In a city, town or township the same person may be appointed assessor or collector for more than one ward or polling subdivision.

Who not to be assessor or collector.

(5) A member of the council or the clerk or treasurer of the municipality shall not be appointed assessor or collector. 1922, c. 72, s. 230 (1-5).

(6) Every collector before entering on the duties of his office shall give such security as the council directs for the faithful performance of such duties, and for duly accounting for and paying over all money which comes into his hands. Security by collector.

(7) It shall be the duty of every council, in every year, to inquire into the sufficiency of the security given by the collector, and to cause to be entered in its minutes the result of the inquiry. 1927, c. 61, s. 16.

239.—(1) The council of any local municipality, instead of appointing assessors, may appoint an assessment commissioner, who, in conjunction with the head of the municipality shall appoint such assessors as may be necessary, and the assessment commissioner and the assessors shall constitute a board of assessors, and shall have all the powers and perform all the duties of assessors appointed under the next preceding section. 1922, c. 72, s. 231 (1); 1924, c. 53, s. 2. Assessment commissioner in cities and towns.

(2) The council of a city or town, having a population of less than 20,000 may provide that all the duties of an assessor shall be performed by the assessment commissioner, and in that case it shall not be necessary to appoint assessors. Duties of in certain cities and towns.

(3) It shall not be necessary to appoint the assessment commissioner, assessors or collectors of a city annually. Tenure of office.

(4) In a local municipality which has an assessment commissioner, all notices in matters relating to assessment which in other municipalities are required by this or any other Act to be given to the clerk shall be given to the assessment commissioner. 1922, c. 72, s. 231 (2-4). Notices.

Auditors and Audit.

240.—(1) Subject to sections 241 and 242 every council shall, at its first meeting in every year, appoint two auditors. Auditors.

(2) No person who is or during the next preceding year was a member of the council, or the clerk or treasurer of the municipality, or who has, or during the next preceding year had, directly or indirectly, alone or in conjunction with any other person, a share or interest in any contract or employment with or on behalf of the corporation, except as auditor, shall be appointed an auditor. Disqualification for office of.

(3) If a person appointed auditor for a county refuses, or is unable to act, the head of the council shall appoint another person not in the employment of such head to be auditor in his stead. 1922, c. 72, s. 232. Case of county auditor refusing to act.

241. The council of any municipality may provide that the auditors shall be appointed in November or December in each year for the next succeeding year, and thereafter while Appointment of auditors in November or December.

the by-law remains in force the council shall appoint the auditors in accordance with its terms, instead of at its first meeting. 1922, c. 72, s. 233.

Auditors
appointed
as permanent
officers.

242.—(1) Instead of appointing two auditors annually as provided by section 240, the council may by by-law provide for the appointment of one or more auditors to hold office during pleasure, who shall daily or otherwise examine audit and report on the accounts of the corporation.

Tenure of
office of
auditor.

(2) Every auditor appointed for a city shall hold office during good behaviour and shall be removable for cause by the council upon a vote of two-thirds of the members thereof. 1922, c. 72, s. 240.

Duty of
auditors.

243.—(1) The auditors appointed under section 241 shall, at the end of every month, beginning with the first month in the year following that of their appointment, examine and report upon all accounts affecting the corporation, or relating to any matter under its control, or within its jurisdiction, and after the examination of every account, voucher, receipt and paid debenture submitted for audit, shall stamp on it, in indelible letters, the word "audited," and initial it.

(2) The auditors appointed under section 241 shall also perform the duties of auditors appointed under section 240 with respect to the accounts and transactions of the year in which they are appointed. 1922, c. 72, s. 234.

Auditors
may ad-
minister
oaths.

244. An auditor may administer an oath to any person concerning any account or other matter to be audited. 1922, c. 72, s. 235.

Duties of
auditors.

245.—(1) The auditors appointed under section 240 shall examine and report upon all accounts affecting the corporation or any commission managing a public utility work or relating to any matter under its control or within its jurisdiction for the year ended on the 31st day of December preceding their appointment.

To prepare
abstract and
detailed state-
ment of
receipts and
expenditure,
etc.

(2) They shall annually prepare in duplicate an abstract of the receipts, expenditure, assets, and liabilities of the corporation or commission and a detailed statement in duplicate of the same for the next preceding year in such form as the council may direct, and shall report on all accounts audited by them, and make a special report of any expenditure made contrary to law, and shall transmit by registered post one copy of the abstract and one copy of the detailed statement to the Bureau of Municipal Affairs, and shall file the other abstract, the other detailed statement, and their reports, in the office of the clerk not later than the 1st day of March.

(3) Where the auditors are appointed under section 241, or where they have been required to make their audit under the provisions of section 242, the abstract, statements, and reports mentioned in subsection 2, shall be, with respect to the year for which they are appointed, and shall be made and filed within one month after the expiry of that year and the auditors shall be deemed to continue in office during that period for the purpose only of preparing and filing such statements and reports.

(4) For every contravention of subsection 2 or 3, an auditor shall incur a penalty not exceeding \$40. Penalty.

(5) A resident of the municipality may inspect the abstract, statements and reports at all reasonable hours, and may, by himself or his agent, at his own expense, make a copy of or extracts from them. Inspection of abstract, statement, etc.

(6) The auditors of every municipality shall also make a report upon the condition and sufficiency of the securities of the treasurer; and such report shall show what cash balance, if any, was due from the treasurer to the corporation at the date of the audit, and where it is deposited and what security there is that the same will be available when required; but this shall not relieve the council from the performance of the duty imposed by section 230. Report on treasurer's securities.

(7) The clerk shall print and distribute the abstract, statements and reports in such manner and form as the council may direct; and in the case of a local municipality shall transmit a copy of the abstract and statements to the clerk of the council of the county, and the same shall be kept in his office. 1922, c. 72, s. 237 (1-7); 1927, c. 61, s. 17. Clerk to publish abstracts and statements.

(8) The auditors may make a written requisition upon the treasurer for a request to any bank or company with which the money is or has been deposited, or with which the treasurer has kept an account, to exhibit the account and details thereof to them; and it shall be the duty of the treasurer, within twenty-four hours after the delivery to him of such requisition, to comply with it. 1922, c. 72, s. 237 (8). Inspection of books of bank or company.

246. The council of a city or town may provide that all accounts shall be audited before payment. 1922, c. 72, s. 238. Audit of accounts before payment.

247. The council shall, upon the report of the auditors, finally audit and allow the accounts of the treasurer and collectors, and all accounts chargeable against the corporation; and where charges are not regulated by law, the council shall allow what is reasonable. 1922, c. 72, s. 239. The council to audit finally, etc.

248. The Treasurer of Ontario may in his discretion retain in his hands any money payable to a corporation, if it is certified to him by the Bureau of Municipal Affairs that any officer of the corporation whose duty it is to make returns to the Bureau has not done so. 1922, c. 72, s. 241. Money payable by province to be retained if returns not made.

*Duties of Officers Respecting Oaths and
Declarations.*

Publication
of state-
ments of
assets and
liabilities.

249.—(1) The council of every town, village and township shall hold a meeting on the 15th day of December in each year, and shall immediately thereafter publish a detailed statement of the receipts and expenditures of the corporation for the portion of the year ended on that day, together with a statement of assets, liabilities and uncollected taxes, and a similar statement respecting the last fifteen days of the next preceding year.

Publication
of state-
ments.

• (2) The statements shall be signed by the head of the council and by the treasurer, and shall be published.

Posting up
statements.

(3) Instead of publishing the statements the council may cause them to be posted up, not later than the 24th day of December, in the office of the clerk and of the treasurer, at all post offices, and at not less than twelve other conspicuous places in the municipality.

Delivery of
copies to
electors.

(4) The clerk shall procure to be printed not less than one hundred copies of the statements, and shall deliver or transmit by post one of them to every elector who requests him to do so, not later than the 24th day of December in each year, and shall also see that copies of the statements are produced at the nomination meeting.

Holding
meeting and
publishing
statement
when nomi-
nation meet-
ing is held on
last Monday
in November.

(5) The council of every town, village and township in which the nomination meeting is held on the last Monday in November, and polling on the first Monday in December as provided by section 75 shall hold a meeting on the 15th day of November in each year and shall immediately thereafter publish the detailed statement provided for by subsection 9 and a similar statement respecting the last forty-six days of the next preceding year and the time for publishing, posting up, printing and transmitting the statements as provided by subsections 11 and 12 shall be the 24th day of November. 1922, c. 72, s. 237 (9-12a).

Non-applica-
tion to cer-
tain muni-
cipalities.

(6) The next preceding five subsections shall not apply to a township having a population of not less than 15,000 or to a township municipality in a provisional judicial district, or in the electoral district of North Renfrew, or in the Provisional County of Haliburton. 1922, c. 72, s. 237 (13); 1923, c. 41, s. 4.

Making un-
true entries
in financial
statement.

(7) A member of a council or an officer of a corporation, or any other person, who knowingly makes or causes or procures to be made, any untrue entry in the statements, or who knowingly omits or causes to be omitted from them anything which should be included, shall incur a penalty of not less than \$5 or more than \$40. 1922, c. 72, s. 237 (14).

250.—(1) Every member of a council, trustee of a police village, every public utility commissioner and commissioner of industries, and every clerk, treasurer, assessment commissioner, assessor, collector, engineer, clerk of works and street overseer or commissioner, before entering on the duties of his office, shall make and subscribe a declaration of office, Form 16. Declaration of office.

(2) Every person elected or appointed to two or more municipal offices may make one declaration of office as to all of them. Declaration of person appointed to more than one office.

(3) Every constable, before entering upon the duties of his office, shall make and subscribe a declaration, Form 17. Declaration of constable.

(4) Every returning officer, deputy returning officer and poll clerk before entering upon the duties of his office shall take the oath of office, Form 18. Oath of office.

(5) Where by this Act any oath or declaration is required to be made by a deputy returning officer, or by a poll clerk, and no special provision is made therefor, the same, in the case of a deputy returning officer, may be made before the returning officer for the municipality or ward, or before the poll clerk, or before any person authorized to administer an oath; and, in the case of a poll clerk, before any such person, or before the deputy returning officer. Administration of oaths to deputy returning officers and poll clerks.

(6) Every auditor, before entering upon his duties, shall make and subscribe a declaration, Form 19. Auditor's declaration.

(7) Except where otherwise provided the person by whom the oath or declaration is made shall file the same in the office of the clerk within eight days after it is made. 1922, c. 72, s. 242. Filing of declaration.

251. Except where otherwise expressly provided, in addition to the persons authorized by law to administer an oath, the head of a council, a controller, an alderman, a reeve, or the clerk of a municipality may, within the municipality, administer an oath, or take any declaration under this Act or relating to the business of the corporation. 1922, c. 72, s. 243. Certain officers may administer certain oaths.

252. Every qualified person elected to any Municipal office shall take the declaration of office within twenty days after his election and in default shall be deemed to have resigned. 1927, c. 61, s. 19. Declaration of office.

Salaries, Tenure of Office and Gratuities.

253.—(1) When the remuneration of any officer of a corporation is not fixed by law, the council shall fix it. Salaries of officers.

(2) The council shall give to the clerk, for services and duties performed by him, under *The Ditches and Watercourses Act*, a fair and reasonable remuneration, to be fixed by the council. Remuneration of clerk for certain services. Rev. Stat. c. 316.

Fees for
copies of
awards, etc.

(3) The council shall fix the sum to be paid to the clerk by any person for copies of awards or other documents, or for any other services rendered by him, other than such as it is his duty to perform under that Act.

Remunera-
tion not to
be settled
by tender.

(4) Where an appointment to an office or an arrangement for the discharge of the duties of an office is to be made, the council shall not invite or require applicants to name a sum for which they will discharge the duties of the office, or give the appointment to, or make the arrangement with, the person who offers to perform the duties at the lowest salary or remuneration.

When muni-
cipality
employing
solicitor at
a salary
may recover
costs.

(5) Notwithstanding that a corporation employs a solicitor or a counsel whose remuneration is wholly or partly paid by salary, annual or otherwise, the corporation shall have the right to recover and collect lawful costs in all actions and proceedings, in the same manner as if the solicitor or counsel was not so remunerated, if the costs are, by the terms of his employment, payable to the solicitor or counsel as part of his remuneration in addition to his salary. 1922, c. 72, s. 245.

Tenure of
office.

Duties.

254. All officers appointed by a council shall hold office during the pleasure of the council, and shall, in addition to the duties assigned to them by this Act, perform all other duties required of them by any other Act, or by by-law of the council. 1922, c. 72, s. 246.

Gratuities.

255. A council may grant to any officer who has been in the service of the corporation for at least twenty years, and who, while in such service, has become incapable, through illness or old age, of efficiently discharging the duties of his office, a sum not exceeding the aggregate of his salary or other remuneration for the next preceding three years of his service, as a gratuity upon his ceasing to hold the office. 1922, c. 72, s. 247.

Retiring
allowances.

256. Instead of granting a sum to any officer who has been in the service of the corporation for at least twenty years, and who, while in such service, has become incapable, through illness or old age, of efficiently discharging the duties of his office, under the provisions of the preceding section, a council may grant an annual retiring allowance to any such officer during the remaining years of his life not exceeding three-fifths of his average annual salary for the next preceding three years of his service on ceasing to hold his office and such allowance may be payable weekly, semi-monthly or otherwise as the council may deem proper.

(a) For the purposes of this section "officer" shall be deemed to include a gaoler or other officer of the gaol. 1923, c. 41, s. 5.

Investigation of Charges of Malfeasance, Etc., or Judicial Inquiry in relation to Municipal Matters.

257.—(1) Where the council of a municipality passes a resolution requesting a judge of the county or district court of the county or district in which the municipality is situated to investigate any matter relating to a supposed malfeasance, or breach of trust, or other misconduct on the part of a member of the council, or an officer, or a servant of the corporation, or of any person having a contract with it, in regard to the duties or obligations of the member, officer, servant, or other person, to the corporation, or to inquire into or concerning any matter connected with the good government of the municipality, or the conduct of any part of its public business, including any business conducted by a Commission appointed by the municipal council or elected by the electors, the judge shall make the inquiry, and shall for that purpose have all the powers which may be conferred upon Commissioners under *The Public Inquiries Act*, and he shall, with all convenient speed, report to the council the result of the inquiry and the evidence taken. 1922, c. 72, s. 248 (1); 1927, c. 61, s. 20.

Investigation
by County
Judge of
charges of
malfeasance.

Rev. Stat.
c. 20.

(2) The Judge shall be paid by the corporation the same fees as he would be entitled to if the inquiry had been made by him as a referee under *The Judicature Act*.

Fees payable
to Judge.
Rev. Stat.
c. 88.

(3) The council may engage and pay counsel to represent the corporation, and may pay all proper witness fees to persons summoned to give evidence at the instance of the corporation, and any person charged with malfeasance, breach of trust, or other misconduct, or whose conduct is called in question on such investigation or inquiry, may be represented by counsel. 1922, c. 72, s. 248 (2, 3).

Engaging
counsel.

PART IX.

GENERAL PROVISIONS APPLICABLE TO ALL MUNICIPALITIES.

258.—(1) Except where otherwise provided, the jurisdiction of every council shall be confined to the municipality which it represents and its powers shall be exercised by by-law.

Jurisdiction
of councils.

(2) A by-law passed by a council in the exercise of any of the powers conferred by and in accordance with this Act, and in good faith, shall not be open to question, or be quashed, set aside, or declared invalid, either wholly or partly, on account of the unreasonableness or supposed unreasonableness of its provisions or any of them. 1922, c. 72, s. 249.

By-law not
to be quashed
because un-
reasonable.

NOTE.—See *Interpretation Act* as to power of corporation to contract.

General power to make regulations.

259. Every council may pass such by-laws and make such regulations for the health, safety, morality, and welfare of the inhabitants of the municipality in matters not specifically provided for by this Act, as may be deemed expedient and are not contrary to law, and for governing the proceedings of the council, the conduct of its members, and the calling of meetings. 1922, c. 72, s. 250.

Council a continuing body.

260. Proceedings begun by one council may be continued and completed by a succeeding council. 1922, c. 72, s. 251.

Certain acts not to be done by councils after 31st December.

261. The council of a local municipality shall not, after the 31st day of December in the year for which its members were elected, pass any by-law or resolution for, or which involves, directly or indirectly, the payment of money, or enter into any contract or obligation on the part of the corporation, or appoint to or dismiss from office any officer under the control of the council, or do any other corporate act, except in case of extreme urgency, or unless the act is one which the council is required by law to do. 1922, c. 72, s. 252.

Power to license includes power to prohibit.

262.—(1) The power to license any trade, calling, business or occupation or the person carrying on or engaged in it shall include the power to prohibit the carrying on of or the engaging in it without a license.

Who to fix amount of license fee.

(2) Except where the power of fixing the fee to be paid for the license is expressly conferred on a board of commissioners of police, the council of the municipality, where by this or any other Act the council or the board is authorized to pass by-laws for licensing any trade, calling, business or occupation or the person carrying on or engaged in it may, subject to the limitations contained in the Act, fix the fee to be paid for the license and the time for which it shall be in force and may provide for enforcing payment of the license fee.

License fee may be a tax.

(3) The license fee may be in the nature of a tax for the privilege conferred by it.

Discretion as to granting or refusing a license.
Rev. Stat. c. 285.

(4) Subject to the provisions of *The Theatres and Cinematographs Act*, the granting or refusing of a license to any person to carry on a particular trade, calling, business or occupation, or of revoking a license under any of the powers conferred upon a council or a board of commissioners of police by this Act, or any other Act, shall be in its discretion, and it shall not be bound to give any reason for refusing or revoking a license and its action shall not be open to question or review by any Court.

Refund when license revoked.

(5) Where a license is revoked the licensee shall be entitled to a refund of a part of the license fee proportionate to the unexpired part of the term for which it was granted. 1922, c. 72, s. 253.

263.—(1) Subject to section 264, and to section 6 of *The Ferries Act* and to section 8 of *The Telephone Act*, a council shall not confer on any person the exclusive right of exercising, within the municipality, any trade, calling or business, or impose a special tax on any person exercising it, or require a license to be taken for exercising it, unless authorized or required by this or any other Act so to do; but the council may require a fee, not exceeding \$1, to be paid to the proper officer for a certificate of compliance with any regulations in regard to the trade, calling or business.

Granting
monopolies
prohibited.
Rev. Stat.
cc. 159, 227.

(2) This section shall not prevent the Council under the powers conferred by paragraph 1 of section 429 from limiting the number of licenses and the number of tables to such number as the council may deem fit even if the number be limited to one. 1922, c. 72, s. 254.

Limiting
number of
pool and
billiard
tables and
licenses.

264.—(1) The council of a city may grant to any person, upon such terms and conditions as may be deemed expedient, the exclusive right to place and maintain for any period not exceeding ten years, iron waste-paper boxes on the street corners or elsewhere in the city, under and subject to the direction of the city engineer and the approval of the council.

Exclusive
right to
maintain
waste paper
boxes on
streets.

(2) The location of the boxes shall be subject to change from time to time at the expense of the grantee, by whom the boxes shall be kept clean and painted, and the collections therein removed, to the satisfaction of the city engineer, and as often as he may direct.

Location
of boxes.

(3) The council may,

- (a) regulate and control the type of construction of such boxes and from to time vary and change the locations thereof;
- (b) allow the painting of advertisements thereon and regulate the wording thereof and prohibit the placing of objectionable matter thereon;
- (c) fix and collect an annual fee from the owner thereof for the privilege granted;
- (d) keep such boxes clean and undertake the removal of the waste deposited therein. 1922, c. 72, s. 255.

Power to
control and
collect fees.

265. The council of a city may establish and carry on the business of cold storage in connection with or upon the market property of the corporation. 1922, c. 72, s. 256.

Cold storage
business.

266.—(1) Subject to the limitations and restrictions contained in this Act, a council may borrow money for the purposes of the corporation, whether under this or any other Act, and may issue debentures therefor.

Borrowing
powers.

Debts for
street
railways.

(2) A debt contracted by the corporation of a city for the construction or maintenance of a street railway shall not be included as a part of its debt for the purpose of determining whether the limit of its borrowing power as fixed by any special Act has been reached. 1922, c. 72, s. 257.

Authentication of By-laws.

How by-
laws to be
authenticated.

267.—(1) Every by-law shall be under the seal of the corporation, and shall be signed by the head of the council, or by the presiding officer at the meeting at which the by-law was passed, and by the clerk.

Proof of
seal or
signature
not required.

(2) Every by-law purporting to be so sealed and signed, when produced by the clerk or any officer of the corporation charged with the custody of it, shall be received in evidence in all courts without proof of the seal or signature.

Omission
to affix seal.

(3) Where, by oversight, the seal of the corporation has not been affixed to a by-law, it may be affixed at any time afterwards, and, when so affixed, the by-law shall be as valid and effectual as if it had been originally sealed.

Certified
copy of
by-law.

(4) A copy of a by-law, purporting to be certified by the clerk, under the seal of the corporation, as a true copy, shall be received in evidence in all courts, without proof of the seal or signature. 1922, c. 72, s. 258.

Certificate of Clerk as to Application for By-law.

Certificate
of clerk
that applica-
tion for by-
law duly
signed.

268.—(1) Where by this or any other Act it is provided that a by-law may be passed by a council upon the application of a prescribed number of electors or inhabitants of the municipality or locality, the by-law shall not be finally passed until the clerk, or, where there is an assessment commissioner, the assessment commissioner has certified that the application was sufficiently signed.

Rev. Stat.
c. 235.

(2) For the purposes of this section, the clerk and the assessment commissioner shall have all the powers of the clerk under section 15 of *The Local Improvement Act*.

Certificate
to be
conclusive.

(3) Where the clerk or assessment commissioner has so certified, his certificate shall be conclusive that the application was sufficiently signed. 1922, c. 72, s. 259.

PART X.

VOTING ON BY-LAWS.

269. In this Part,

- (a) "By-law" shall include a resolution and a question upon which the opinion of the electors is to be obtained. Interpretation.
- (b) "Electors" shall mean the persons entitled to vote on the by-law.
- (c) "Judge" shall mean judge or junior judge of the county or district court of the county or district in which the municipality, the council of which submits the by-law, is situate.
- (d) "Proposed by-law" shall mean a by-law submitted for the assent of the electors. 1922, c. 72, s. 260.

270. All the provisions of this Act prohibiting the doing of any act or making it an offence against this Act, and prescribing penalties therefore, applicable to the election of members of municipal councils shall apply *mutatis mutandis* to the voting upon a by-law, whether the submission of it to the electors is optional with or compulsory upon the council. 1922, c. 72, s. 262. Bribery sections, etc., to apply to voting on any by-law or question.

271.—(1) Where a by-law requires the assent, or is submitted to obtain the opinion, of the electors, except where otherwise provided, the council shall, by a separate by-law, appoint the day for taking the votes of the electors, the places where the votes are to be taken, and a deputy returning officer to take the votes at every such place. 1922, c. 72, s. 263 (1). If a by-law requires the assent of the electors, mode of obtaining same.

(2) Where a municipality is divided into wards, there shall be at least one polling place in each ward. 1927, c. 61, s. 21 (1). Wards.

(3) The date appointed shall not be less than three, or more than five, weeks after the first publication of the notice hereinafter mentioned. Date of taking vote.

(4) In any city having a population of not less than 40,000 a proposed by-law providing for the purchase or acquiring of any public utility or street railway or for entering into any agreement for that purpose, or for disposing of any public utility or granting any public franchise shall be submitted only on the day fixed for taking the poll at the annual municipal election. 1927, c. 61, s. 21 (2). Time for submission of certain by-laws.

Time and place for summing up votes by clerk, etc.

(5) The by-law for taking the vote shall also appoint a time when, and a place where the clerk will sum up the number of votes given for and against the proposed by-law, or in the affirmative and the negative on the question and a time and a place for the appointment of persons to attend at the polling places, and at the final summing up of the votes by the clerk, on behalf of the persons interested in, and promoting or opposing the by-law or voting in the affirmative or the negative on the question.

Publication of by-law.

(6) A copy of the proposed by-law, or a statement of the question submitted, as the case may be, shall be published once a week for three successive weeks, together with a notice signed by the clerk stating that the copy is a true copy of a proposed by-law, or a correct statement of the question submitted, as the case may be, and in the case of a by-law that, if the assent of the electors is obtained to it, it will be taken into consideration by the council after the expiration of one month from the date of the first publication, which date shall also be stated, and in the case of a money by-law stating that a tenant who desires to vote must deliver to the clerk not later than the tenth day before the day appointed for taking the vote the declaration provided for by subsection 3 of section 274.

Notice.

(7) The notice shall also state the day and places appointed for taking the votes, except where the votes are to be taken at the same time as the annual election, and, in that case, shall state that the votes will be taken at the annual election, and shall also state the time and place for the appointment of persons to attend at the polling places and at the final summing up of the votes by the clerk.

Synopsis of by-law may be published.

(8) Instead of publishing a copy of the proposed by-law, the council may publish a synopsis of it, containing a concise statement of its purpose, the amount of the debt or liability to be created or the money to be raised by it, how the same is to be payable, and the amount to be raised annually for the payment of the debt, and the interest, or the instalments, if the debt is to be paid by instalments.

One ballot for several by-laws.

272. Where more money by-laws than one are submitted at the same time, they may be all placed upon one ballot paper. 1922, c. 72, s. 263 (4-8).

Appointment of persons to attend at polling places and at final summing up of votes.

273.—(1) The head of the council, or a member of it appointed for that purpose by resolution, shall attend at the time and place appointed, and, if requested so to do, shall appoint, by writing signed by him, two persons to attend at the final summing up of the votes by the clerk, and one person to attend at each polling place on behalf of the persons interested in, and desirous of promoting, the proposed by-law, or voting in the affirmative on the question, and a like num-

ber on behalf of the persons interested in, and desirous of opposing the proposed by-law, or voting in the negative on the question.

(2) Before any person is so appointed, he shall make and subscribe a declaration, Form 20. Declaration.

(3) A person so appointed, before being admitted to the polling place, or to the summing up of the votes, shall, if so requested, produce and show his appointment to the deputy returning officer. Appointment to be produced.

(4) In the absence of a person so appointed, or if no person has been appointed, any elector, upon making and subscribing, before the returning officer or deputy returning officer, a declaration, Form 20, may be present at a polling place, or at the final summing up of the votes, as the case may be. 1922, c. 72, s. 264. When elector may act.

274.—(1) The persons qualified to vote on a money by-law shall be those entitled to vote at an election with the following exceptions:— Persons qualified to vote on money by-laws.

(a) tenants, other than those mentioned in subsection 3;

(b) farmers' sons;

(c) income voters;

(d) a person who is a municipal elector by reason of being the wife or husband of the person rated or entitled to be rated for land as provided by clause *d* of subsection 1 of section 56.

(2) The nominee of a corporation assessed upon the last revised assessment roll of the municipality which, if it had been a male person, would have been entitled to have been entered on the voters' list from which the list of voters mentioned in section 275 is to be prepared or in the case provided for by section 102 would, had it been a male person, have been entitled to be entered on such list of voters, shall also be qualified to vote. Nominee of corporation.

(3) A tenant, whose lease extends for the time for which the debt or liability is to be created, or in which the money to be raised by the proposed by-law is payable, or for at least twenty-one years, and who has by the lease covenanted to pay all municipal taxes in respect of the property other than local improvement rates, if he makes and files with the clerk not later than the tenth day before the day appointed for taking the vote, a declaration, under *The Canada Evidence Act*, so stating, shall be entitled to have his name entered on the list of voters prepared by the clerk, under section 275. Qualification of tenants. R.S.C. c. 45.

(4) Where a corporation entitled to appoint a nominee to vote on its behalf desires to vote on a money by-law it shall not later than the tenth day before the day appointed for Appointment of nominee of corporation to be filed with clerk.

taking the vote file with the clerk of the municipality an appointment in writing of a person to vote as its nominee and on its behalf, and the name of every such nominee shall be included in the list. 1922, c. 72, s. 265.

Preparation of
list of voters.

275.—(1) Where the proposed by-law is a money by-law or one on which all the municipal electors are not entitled to vote, the clerk, after the passing of the by-law for taking the vote, and not later than the tenth day before the day appointed for taking the vote, shall prepare a list of the persons entitled to vote on the proposed by-law and, subject to section 277 and to section 21 of *The Voters' Lists Act*, the list so prepared shall be final and conclusive as to the right of every person named therein to vote, and that no person not named therein is entitled to vote.

Rev. Stat.
c. 7.

From last
revised voters'
list or assess-
ment roll.

(2) The clerk shall prepare such list from the last revised voters' list, and in the case provided for by section 102 from the last revised assessment roll, omitting from his list the names of all persons whose names are entered on such voters' list or assessment roll, but are not entitled as appears by such list or roll to vote on the by-law, and in the case of money by-laws including in the list the nominees of corporations who are entitled to vote on the by-law.

Designating
tenants
entitled to
vote.

(3) When the voting is to take place at the same time as the annual municipal elections, it shall be sufficient in the case of persons whose names are entered on the voters' list as tenants, if there is written on the voters' list used for the purpose of the election opposite to the name of such of them as are entitled to vote on the by-law the words "entitled to vote on the by-law," and it shall be deemed that the names of all others of such persons are omitted from the list within the meaning of subsection 2.

Clerk to
certify.

(4) The list prepared by the clerk shall be certified by him to be a true and correct list of all persons entitled to vote on the proposed by-law, and shall be forthwith posted up in his office. 1922 c. 72, s. 266.

Revision
of list by
judge.

276.—(1) At any time not later than five days before the day appointed for taking the vote, a judge, upon the application of any person whose name is entered on the list of voters prepared by the clerk, or of any person entitled to be entered on that list, may strike from the list the name of any person who is dead or whose name has been wrongfully entered on it, and may add to the list the name of any person whose name has been wrongly omitted from the list, or who, if a tenant, though he had not made the declaration prescribed by subsection 3 of section 274, establishes that he has the qualification prescribed by that section.

(2) For the purpose of proving a death, the certificate of the Registrar-General, or of the Division Registrar, shall be sufficient evidence, but if the identity of the person who is dead with the person whose name is sought to be struck off is disputed, or open to reasonable doubt, proof of the identity shall be required. Proof of death.

(3) The proceedings shall be the same, as nearly as may be, as prescribed by subsection 2 of section 20 of *The Voters' Lists Act*. 1922, c. 72, s. 267. Rev. Stat. c. 7.

277. Where all the municipal electors are entitled to vote on the proposed by-law the same lists shall be used in taking the vote as would be the proper voters' list to be used at a municipal election, and such lists shall be as final and conclusive as to the right to vote as when used at a municipal election. 1922, c. 72, s. 268. Voters' list where all municipal electors vote.

278. In a municipality divided into wards, a voter shall be entitled to vote on a money by-law in each ward in which he has the prescribed qualification, but shall not be entitled to vote more than once on any other by-law or on any question submitted to the electors unless it is otherwise expressly provided by the Act, by-law, or other authority under which the vote is taken. 1922, c. 72, s. 269. Where rate-payers qualified in more than one ward.

279. The clerk, if otherwise qualified, shall be entitled to vote, but not to give a casting vote. 1922, c. 72, s. 270. Clerk not to have casting vote.

280. The ballot papers shall be according to Form 21 when the voting is on a by-law, and according to Form 22 when it is on a question. 1922, c. 72, s. 271. Form of ballot papers.

281. The printed directions to voters shall be according to Form 23. 1922, c. 72, s. 272. Directions to voters.

282.—(1) Where all the municipal electors are entitled to vote the voter's oath shall be the same *mutatis mutandis* as at a municipal election where the members of the council are elected by general vote. Voter's oath where all municipal electors vote.

(2) In the case of a money by-law a voter shall not be entitled to select the form of oath he will take, but the oath to be taken by him shall be that applicable to his qualification as an owner or tenant, as it appears in the list of voters. 1922, c. 72, s. 273. Voter not entitled to select form of oath.

283. Except as otherwise in this Part provided, Part III shall apply *mutatis mutandis* to voting on a by-law. 1922, c. 72, s. 274. Application of Part III.

Clerk to
certify result
to council.

284. After the clerk has summed up the number of votes cast he shall declare the result of the voting and shall forthwith certify to the council the number of votes cast for and against the by-law. 1922, c. 72, s. 275.

Assent of
electors, what
deemed to be.

285. A by-law shall be deemed to have been assented to by the electors if a majority of the votes cast is in favour of the by-law. 1922, c. 72, s. 276.

Procedure
in case of
a county
by-law.

286. Where the by-law is proposed to be passed by a county council the proceedings shall be similar to those in the case of a by-law proposed to be passed by the council of a local municipality except that the list of voters for each local municipality shall be prepared by the clerk of it and not by the clerk of the county council, and that the declaration and appointment provided for by subsections 3 and 4 of section 274 shall be filed with the clerk of the local municipality. 1922, c. 72, s. 277.

Scrutiny.

Scrutiny
may be had
on applica-
tion to
County or
District
Judge.

287.—(1) Within two weeks after the clerk has declared the result of the voting, any person who was entitled to vote upon the by-law or the council, after giving notice of the application to such persons as the judge directs, may apply to a judge of the county or district court of the county or district in which the municipality is situate for a scrutiny of the votes, and if it is shown by affidavit that there are reasonable grounds for the application, and, if the application is by a person entitled to vote on the by-law, he enters into a recognizance before the judge and to be allowed by him, in the sum of \$100, with two sureties in the sum of \$50 each, conditioned to prosecute the application with effect, and to pay to any person to whom costs may be awarded, the costs awarded to him, the judge may order a scrutiny of the votes to be had, and shall appoint a time and place, within the municipality, for proceeding with it.

Notice of
time of
scrutiny.

(2) At least one week's notice of the time and place appointed, shall be given by the applicant to such persons as the judge directs, and to the clerk.

Proceedings.

(3) At the time and place appointed, the clerk shall attend before the judge with the ballot papers, and the judge after hearing such evidence as he may deem necessary, and the parties, or such of them as attend, or their counsel, shall, in a summary manner, determine whether the by-law has been assented to as required by this Act, and shall forthwith certify the result to the council.

Striking off
votes for
corrupt
practices.

(4) Where it is proved that any person interested in, and promoting or opposing the by-law, was guilty of bribery or of a corrupt practice in respect of a voter who voted on the by-law, or if any person who is disqualified under subsection 1

of section 62 from voting at an election is proved to have voted there shall be struck off the number of votes given for the by-law, if the person guilty or so disqualified was promoting the by-law, or given against the by-law if the person guilty or so disqualified was opposing the by-law, one vote for every ballot cast by such voter.

(5) The judge shall have the like power and authority as to all matters arising upon the scrutiny, as would be possessed by him upon a trial of the validity of the election of a member of a council, but shall not have power to set aside the voting on the ground of general bribery or corrupt practices; and the costs shall be in the discretion of the judge, who may direct by whom, to whom, and in what manner they shall be paid. Powers of Judge.
Costs.

(6) The decision of the judge shall be final and not subject to appeal. 1922, c. 72, s. 279. No appeal.

Passing By-laws by Council.

288.—(1) Subject to subsection (5), where a proposed by-law, which the council has been legally required by petition or otherwise to submit for the assent of the electors has received such assent, it shall be the duty of the council to pass the by-law, within six weeks after the voting took place. Cases in which council must pass by-law assented to by electors.

(2) Subject to subsection (5), in other cases it shall not be incumbent on the council to pass the by-law, but if the council determines to pass it, it shall be passed within six weeks after the voting took place and not afterwards. Discretion of council in other cases.

(3) The by-law in either case shall not be passed until the expiration of two weeks after the result of the voting has been declared, or if within that period an order for a scrutiny has been made, until the result of the scrutiny has been certified by the Judge. Time within which by-law cannot be passed.

(4) The time which intervenes between the making of an application for a scrutiny and the final disposition of it shall not be reckoned as part of the six weeks. Time occupied by scrutiny not to be counted.

(5) The Municipal Board may, upon the application of the Council extend the time for passing the by-law beyond such period of six weeks, and such extension of time may be made although the application for the same is not made until after the expiration of such period of six weeks, and in such case the by-law may be passed within such extended time. 1922, c. 72, s. 280. Extension of time for passing by-law.

Promulgation of By-laws.

289.—(1) The promulgation of a by-law shall consist in the publication of a true copy of it, with a notice, Form 24, appended thereto, at least once a week for three successive weeks. Promulgation of by-laws.
Publication.

If not moved
against within
the time lim-
ited, to be
valid.

(2) If an application to quash the by-law, or part of it, is not made within three months after the first publication, the by-law, or so much of it as is not the subject of, or is not quashed upon any such application, shall be valid and binding, according to its terms, so far as the same ordains, prescribes or directs anything within the proper competence of the council. 1922, c. 72, s. 281.

PART XI.

QUASHING BY-LAWS.

Interpreta-
tion.

290. In this Part "by-law" shall include an order or resolution. 1922, c. 72, s. 282.

Proceedings
to quash
by-law.

291.—(1) The Supreme Court, upon application of a resident of the municipality, or of a person interested in a by-law of its council, may quash the by-law, in whole or in part, for illegality.

Service of
notice.

(2) Notice of the application shall be served at least seven days before the return day of the motion. 1922, c. 72, s. 283 (1, 2).

Recognizance.

(3) Before the application is made, the applicant or, if the applicant is a corporation, some person on its behalf, shall enter into a recognizance before a judge of the county or district court of the county or district in which the municipality is situate, with two sureties in the sum of \$100, conditioned to prosecute the application with effect, and to pay any costs which may be awarded against the applicant. 1922, c. 72, s. 283 (3); 1927, c. 61, s. 22.

Allowance of
recognizance.

(4) The judge may allow the recognizance upon the sureties making proper affidavits of justification, and after it is allowed, the recognizances with the affidavits shall be filed in the Central Office of the Supreme Court.

Deposit in
court in
lieu of recog-
nizance.

(5) In lieu of the recognizance, the applicant may pay into Court \$100, and the certificate of the payment into Court shall be filed in the Central Office.

Application
of deposit.

(6) After the determination of the proceedings, the judge may order that the money paid into court be applied in payment of costs, or be paid out to the applicant. 1922, c. 72, s. 283 (4-6).

Quashing
by-law for
corrupt
practice.

292. A by-law, in respect of the passing of which a violation of any of the provisions of sections 194 to 196 has taken place, may be quashed. 1922, c. 72, s. 284.

293.—(1) Where it is alleged that a by-law injuriously affects another municipality or any ratepayer of it, and that the by-law is illegal, in whole or in part, the corporation of such other municipality or any ratepayer of it may apply to quash the by-law.

Application to quash by-law affecting another municipality.

(2) Where the application is made by a municipal corporation, security for costs shall not be required.

No security required from municipality.

(3) Where the application is based upon an allegation of a violation of any of the provisions of sections 194 to 196, either alone or in conjunction with any other ground of objection, the Supreme Court may direct an inquiry as to the alleged violation to be had before a special examiner or a judge of the county or district court of the county or district in which the municipality is situate, and the witnesses upon the inquiry shall be examined upon oath.

Inquiry by county or district judge where corrupt practices alleged.

(4) After the completion of the inquiry, the special examiner or the judge shall return the evidence taken before him to the proper officer of the Supreme Court, and the same may be read in evidence upon the motion to quash.

Return of evidence to officer of Supreme Court.

(5) Where an order, directing an inquiry, under subsection 3, has been made, and a copy of it has been left with the clerk of the municipality, nothing shall be done under the by-law unless the Supreme Court otherwise orders, until the application is disposed of.

No act to be done under by-law pending inquiry.

(6) In other cases the Court may direct that nothing shall be done under the by-law until the application is disposed of. 1922, c. 72, s. 285.

294. An application to quash, in whole or in part, a by-law which has not been promulgated or registered under the provisions of section 305, shall not be entertained unless the application is made within one year after the passing of the by-law, unless it required the assent of the electors, and had not been submitted for, or had not received their assent; but in that case an application may be made at any time. 1922, c. 72, s. 286.

Time for making application to quash.

Exception.

PART XII.

MONEY BY-LAWS.

295.—(1) In this Part "Debt" shall include liability "Debt." and the borrowing of money.

(2) "Rateable property" when used in this Act or in any by-law heretofore or hereafter passed which directs the levying of a rate on the rateable property in the municipality, or any part of it, shall include income and business assessment as defined by *The Assessment Act*. 1922, c. 72, s. 287.

"Rateable property."

Rev. Stat. c. 238.

Recitals.

296.—(1) A money by-law shall recite :Amount to
be raised
and object.

- (a) The amount of the debt intended to be created, and, in brief and general terms, the object for which it is to be created ;

The value of
the rateable
property.

- (b) The amount of the whole rateable property of the municipality according to the last revised assessment roll, or, in the case of a county, the last revised and equalized assessment rolls of the local municipalities of which the county is composed ;

Amount of
existing
debt.

- (c) The amount of the debenture debt of the corporation, and how much (if any) of the principal or interest is in arrear.

Approval
of Department
of Health.
Rev. Stat.
c. 262.

- (d) The approval of the Department of Health for Ontario as required by subsection 2 of section 96 of *The Public Health Act*, if the by-law be for raising money for any of the purposes mentioned in section 90 or 95 of that Act. 1922, c. 72, s. 288 (1).

When debentures to be
made payable.

- (2) The whole debt and the debentures to be issued therefor shall be made payable within the respective periods hereinafter mentioned at furthest from the time when the debentures are issued.

- (a) If the debt is for railways, harbour works or improvements, sewers, gas or waterworks, the purchase or improvement of parks or the erection of high, continuation or public school houses, public hospitals and the acquiring of land therefor, or for electric light, heat or power works or water privileges or land used in connection therewith, or for acquiring land for a drillshed or armoury, in thirty years. 1922, c. 75, s. 288 (2) (a) ; 1924, c. 56, s. 3.

- (b) If the debt is for the establishment of a system of public scavenging or for the collection and disposal of ashes, refuse and garbage, in ten years.

- (c) If the debt is for the purchase of road-making machinery and appliances, in five years.

- (d) If the debt is for any other purpose, the whole debt, and the debentures to be issued therefor, shall be made payable in twenty years. 1922, c. 72, s. 288 (2) (b-d).

Amounts
to be raised
annually.

- (3) Where the principal of the debt is made payable at a fixed date with interest payable annually or semi-annually, the by-law shall provide for the raising in each year during

the currency of the debentures, or of any set of them by a special rate on all the rateable property in the municipality of—

- (a) A specific sum, sufficient to pay the interest on the debentures, or on any set of them, when, and as it becomes due; and
- (b) A specific sum, which, with the estimated interest, at a rate not exceeding 4 per centum per annum, capitalized yearly, will be sufficient to pay the principal of the debentures, or of any set of them, when, and as it becomes due. 1922, c. 72, s. 288 (3); 1927, c. 61, s. 23 (1).

(4) Instead of the principal being made payable at a fixed date, with interest, payable annually or semi-annually, the by-law may provide that the principal and the interest shall be combined, and be made payable in, as nearly as possible, equal annual instalments during the period for which the debentures are to run, or that, without combining the principal and interest, the instalments of principal shall be of such amounts that, with the interest in respect of the debt, payable annually or semi-annually, the aggregate amount payable for principal and interest in each year shall be, as nearly as possible, the same. Provided, that each instalment of principal may be for an even \$100, \$500, or \$1,000, or multiple thereof, and not withstanding anything herein contained, the annual instalments of principal and interest may differ in amount sufficiently to admit thereof.

Equal annual instalments of principal and interest.
Multiples of \$100.

(5) Instead of the principal being made payable as above provided the by-law may provide that the principal may be repaid in equal annual instalments with interest annually or semi-annually upon the balances from time to time remaining unpaid. 1922, c. 72, s. 288 (4, 4a).

Equal instalments of principal with interest on balances.

(6) In the cases provided for by subsections 4 and 5, the by-law shall provide for raising in each year in which an instalment becomes due by a special rate on all the rateable property in the municipality, a specific sum sufficient to pay it when and as it becomes due. 1922, c. 72, s. 288 (5); 1927, c. 61, s. 23 (2).

Amount to be raised annually.

(7) The council may by by-law, without the assent of the electors authorize a change in the mode of issue of the debentures, and may provide that the debentures be issued with coupons, instead of in amounts of combined principal and interest or *vice versa*; and where any debentures issued under the by-law have been sold, pledged or hypothecated by the council, upon again acquiring them, or at the request of any holder of them, may cancel them, and issue one or more debentures in substitution for them, and make such new debenture or debentures payable by the same or a different mode on the instalment plan, but no change shall be made in the amount payable in each year.

By-law to change mode of issuing debentures.

Debentures,
when to be
dated and
issued.

(8) All the debentures shall be issued at one time and within two years after the passing of the by-law, unless on account of the proposed expenditure for which the by-law provides being estimated or intended to extend over a number of years, and of its being undesirable to have large portions of the money in hand unused and uninvested, in the opinion of the council it would be of advantage to so issue them, and in that case the by-law may provide that the debentures may be issued in sets of such amounts, and at such times as the circumstances require, but so that the first of the sets shall be issued within two years, and all of them within five years, after the passing of the by-law.

Date of
debentures.

(9) All the debentures shall bear the same date, except where they are issued in sets, and in that case every debenture of the same set shall bear the same date. 1922, c. 72, s. 228 (6-8).

(10) Notwithstanding the provisions of the by-law the debentures may bear date at any time within the period of two years or five years, as the case may be, mentioned in subsection 8. 1927, c. 61, s. 23 (3).

Extension
of time
for issue.

(11) The Municipal Board, on the application of the council or of any person entitled to any of the debentures, or of the proceeds of the sale thereof, may extend the time for issuing the debentures beyond the two years, or the time for the issue of any set beyond the time authorized by the by-law.

Application
after time
expired.

(12) The extension may be made, although the application is not made until after the expiration of the two years or of the time provided for the issue of the set.

Day when
by-law to
take effect.

(13) Unless the by-law names a later day when it is to take effect, it shall take effect on the day of its passing. 1922, c. 72, s. 288 (3-11).

Assent of
electors,
when re-
quired.

297.—(1) Except where otherwise provided by this or any other Act, a corporation shall not incur any debt the payment of which is not provided for in the estimates for the current year, unless a by-law of the council authorizing it has been passed with the assent of the electors.

Exceptions.

(2) Subsection 1 shall not apply to a by-law passed

(a) Under section 299, or paragraph 2 of section 399; or

(b) Under *The Local Improvement Act*; or

(c) By the council of a county, or of a city which forms part of a county for judicial purposes, for raising money for erecting, rebuilding, enlarging, furnishing and equipping court house and offices

Rev. Stat.
c. 235.

to be used in connection therewith, a gaol, a gaoler's residence and a registry office, and for acquiring such land and buildings as may be necessary or convenient for such purposes; or

- (d) By the council of a city or a separated town for raising such sum as is required to pay its share of the debt of the county as agreed upon or determined by arbitration; or
- (e) By the council of a city with the approval of the Municipal Board for raising such sum as may be required to pay its share of the cost of constructing or reconstructing a bridge over any stream which constitutes a dividing line between the city and any other municipality or of reconstructing any existing bridge within the municipality; but the aggregate amount to be raised for all of such purposes in any one year shall not be more than \$10,000 where the city has a population of not more than 20,000; or \$15,000 where the city has a population of more than 20,000 and not more than 100,000; or \$20,000 where the city has a population of more than 100,000; or
- (f) By the council of any municipality, with the approval of the Municipal Board, for raising such sum as is required to pay the share ordered to be paid by the corporation of the cost of any work constructed under the order of the Board of Railway Commissioners of Canada or of the Municipal Board or of any work or improvement which, in the opinion of the Municipal Board, has been rendered necessary or expedient, owing to the construction of any work ordered by either of the boards; or
- (g) By the council of an urban municipality for raising such sum as may be required for the purchase of a site in the municipality for an armoury or drillshed for any militia or volunteer corps having its headquarters in the municipality, if the by-law is passed by a vote of two-thirds of all the members of the council; or
- (h) By the council of a county for guaranteeing debentures of a local municipality; or
- (i) By the council of an urban municipality for purchasing fire engines, appliances, apparatus and appurtenances as provided by paragraph 16 of section 399; or

Rev. Stat.
c. 323.
Rev. Stat.
c. 326.
Rev. Stat.
c. 325.

(j) For borrowing money for any of the purposes mentioned in section 54 or 55 of *The Public Schools Act*, or section 41 of *The High Schools Act*, or subsection 2 of section 2 of *The Continuation Schools Act*; or

(k) For borrowing a sum not exceeding \$5,000 for the purpose of making a grant to the University of Toronto; or

(l) Under section 496; or

Rev. Stat.
c. 262.

(m) For borrowing any sum or incurring any debt which under the provisions of *The Public Health Act* may be borrowed or incurred without the assent of the electors. 1922, c. 72, s. 289 (1, 2).

Contracts
for supply
of a public
utility.
Rev. Stat.
c. 249.

298. A municipal corporation may enter into any contract for the supply of a public utility as defined by *The Public Utilities Act*, to the corporation or to the inhabitants thereof for any period not exceeding 10 years in the first instance and for renewing such contract from time to time for further periods not exceeding 10 years at any one time if a by-law setting forth the terms and conditions of such contract has been first submitted to and has received the assent of the municipal electors in the manner provided by this Act. 1922, c. 72, s. 289 (3).

Special power
of county to
borrow.

299.—(1) A county council may in any year borrow any sum or sums not exceeding in the whole \$20,000 over and above what is required for its ordinary expenditure and over and above any sum which the council is by this Act or any other Act expressly authorized to borrow without the assent of the electors.

Passing of
by-law.

(2) Subject to subsection 3 the by-law shall be passed at a meeting specially called for the purpose of considering it, and held not less than six weeks after the first publication of a notice of the day appointed for the meeting which shall be published once a week for four successive weeks, and shall state the amount to be borrowed, and the purpose for which it is to be borrowed.

Adjourned
meeting.

(3) The by-law may be passed at any regular or special meeting to which the consideration of it may be adjourned. 1922, c. 72, s. 290.

When rate
of interest
may be
increased.

300. Where, owing to a decline or an advance in the rate of interest between the passing of a money by-law and the sale or other disposal of the debentures, they or any of them cannot be sold or disposed of, except at a heavy premium or at a discount involving a substantial reduction in the amount required to be provided, the council may, with the approval of the Municipal Board, and without submitting the same for the assent of the electors, pass a by-law to amend the first-

mentioned by-law, by providing for a different rate of interest, and for a corresponding change in the amount to be raised annually. 1922 c. 72, s. 291.

301.—(1) Where part only of a sum of money provided for by a by-law has been raised, the council may repeal the by-law as to any part of the residue, and as to a proportionate part of the amounts to be raised annually. Repeal of by-law, when part only of money raised.

(2) The repealing by-law shall recite the facts on which it is founded, shall be appointed to take effect on the 31st day of December in the year of its passing, shall not affect any rates due, or penalties incurred before that day and shall not take effect until approved by the Municipal Board. 1922, c. 72, s. 292. When to take effect.

302. Subject to the next preceding section, after a debt has been contracted under a by-law, the council shall not, until the debt and interest have been paid, repeal the by-law or any by-law appropriating for the payment of the debt or the interest, the surplus income from any work or any interest therein, or money from any other source; and shall not alter any such by-law, so as to diminish the amount to be raised annually, and shall not apply to any other purpose any money of the corporation which has been directed to be applied to such payment. 1922, c. 72, s. 293. Until debt paid certain by-laws cannot be repealed.

303. Any officer of a corporation, whose duty it is to carry into effect any of the provisions of a money by-law who neglects or refuses to do so, under colour of a by-law illegally attempting to repeal or amend it, so as to diminish the amount to be raised annually under it, shall incur a penalty not exceeding \$100. 1922, c. 72, s. 294. Penalty for neglect of officer to carry out by-law.

304.—(1) The council of a municipality which passes a money by-law, or a by-law imposing a special assessment or a special rate under this or any other Act, or the holder of any debenture issued under any such by-law or any person entitled to receive any of such debentures or of the proceeds of the sale thereof, may apply to the Municipal Board for a certificate approving the by-law. Application for approval of by-law by Municipal Board.

(2) A certificate shall not be granted while any action or proceeding in which the validity of the by-law is called in question, or by which it is sought to quash it, is pending, or until thirty days after the final passing of the by-law, unless notice of the application shall be given in such manner and to such persons, if any, as the Board may direct. Certificate not to be granted while proceedings pending.

(3) The Board may grant the certificate notwithstanding any irregularity in the proceedings prior to the final passing of the by-law or in the by-law itself, or where the by-law has been amended by the council to conform with the provisions Board may grant certificate upon proof of substantial compliance with law.

of the Act under the authority of which it was passed, and except in the case provided for by section 300, the burden on the ratepayers is not increased by the amending by-law, if in the opinion of the Board the provisions of the Act under the authority of which the by-law was assumed to be passed have been substantially complied with.

Approval of by-laws in matters requiring approval of Department of Health.

Rev. Stat. c. 262.

(4) In the case of a by-law for raising money for any of the works or purposes mentioned in sections 91 and 96 of *The Public Health Act*, the Board may, upon the presentation of a certificate of the Department of Health approving the said works, grant a certificate approving the by-law, notwithstanding that the certificate of approval by the Department of Health was not obtained prior to the passing of the by-law, or that the by-law does not contain a recital of such approval. 1922, c. 72, s. 295 (1-3a).

By-law and debentures not to be open to question after approval.

(5) Every by-law approved by the Board and the debentures issued or which may thereafter be issued in substantial conformity with its provisions, shall be valid and binding upon the corporation and upon the property liable for the rate imposed by or under the authority of the by-law, and the validity of the by-law and of every such debenture shall not thereafter be open to question in any court upon any ground whatsoever. 1922, c. 72, s. 295 (4); 1927, c. 61, s. 24 (1).

Approval of debentures.

(6) Where a by-law has been approved the Board may also approve the debentures issued or which may thereafter be issued under the authority of the by-law, and every debenture so approved shall be valid and binding upon the corporation and upon the property liable for the rate imposed by or under the authority of the by-law and the validity of any debenture so approved shall not be open to question in any court upon any ground whatsoever. 1922, c. 72, s. 295 (5); 1927, c. 61, s. 24 (2).

Form of certificate.

(7) The certificate may be in the following form:

"In pursuance of *The Municipal Act*, the Railway and Municipal Board hereby certifies that By-law No. _____ passed by the council of the Corporation of the _____ of _____ on the _____ day of _____ 19____ (or the within debenture) is valid and binding, and that its validity is not open to be questioned in any court on any ground whatsoever.

Dated.

(Seal.)

Chairman."

1922, c. 72, s. 295 (6); 1927, c. 61, s. 24 (3).

Registration of Money By-Laws.

Money by-laws to be registered.

305.—(1) Within four weeks after the passing of a money by-law the clerk shall register a duplicate original or a copy of it certified under his hand and the seal of the corporation, in the case of a county, in the registry division in which the county town is situate, and, in the case of a local

municipality, in the registry division in which it is situate, or if the municipality comprises parts of two or more registry divisions in either of them.

(2) A clerk who neglects to perform within the prescribed period the duty imposed upon him by subsection 1 shall incur a penalty of \$200, recoverable by action, and, in default of payment, shall be liable to imprisonment for such period not exceeding twelve months, as the Court may direct.

Penalty.

(3) Notice, Form 25, of the registration of every such by-law, except a by-law which has received the assent of the electors, or a by-law mentioned in subsection 4 shall immediately after its registration be published at least once a week for three successive weeks.

Publication of notice.

(4) It shall not be obligatory to register a by-law for the issue of debentures passed under *The Municipal Drainage Act* or under *The Local Improvement Act*.

Exception as to certain by-laws.
Rev. Stat. c. 241.
Rev. Stat. c. 235.

(5) Every by-law registered in accordance with the provisions of subsection 1, or before the sale or other disposition of the debentures issued under it, and the debentures shall be valid and binding, according to the terms thereof, and the by-law shall not be quashed, unless within one month after the registration in the case of by-laws to which subsection 4 applies, and in the case of other by-laws, within three months after the registration or where publication of the notice provided for by subsection 3 is required within three months after the first publication of the notice, an application or action to quash the by-law is made to or brought in a Court of competent jurisdiction, and a certificate under the hand of the proper officer of the Court and its seal, stating that such application has been made or action brought is registered in such registry office within such period of three months, or one month as the case may be.

Application to quash registered by-law—when to be made.

(6) After the expiration of the period prescribed by subsection 5, if no application or action to quash the by-law is made or brought, the by-law shall be valid and binding according to its terms.

Time when by-law to be valid and binding.

(7) If an application or action to quash the by-law is made or brought within the period prescribed by subsection 5, but part only of the by-law is sought to be quashed, the remainder of it, if no application or action to quash it is made or brought within that period, shall after the expiration of that period be valid and binding according to its terms.

(8) If the application or action is dismissed in whole or in part a certificate of the dismissal may be registered, and after such dismissal and the expiration of the period prescribed by subsection 5, if it has not already expired,

the by-law, or so much of it as is not quashed shall be valid and binding according to its terms.

Illegal by-laws not validated.

(9) Nothing in this section shall make valid a by-law, which requires, but has not received, the assent of the electors, or a by-law where it appears on the face of it that any of the provisions of subsections 2, 3, 4 and 6 of sections 296 have not been substantially complied with.

Failure to register.

(10) Failure to register a by-law or to publish notice of the registration of a by-law, as prescribed by this section, shall not invalidate it. 1922, c. 72, s. 296.

PART XIII.

YEARLY RATES AND ESTIMATES.

Yearly rates to be levied, sufficient to pay all debts payable within the year.

Limit of rates.

306.—(1) The council of every municipality shall in each year assess and levy on the whole rateable property within the municipality, a sum sufficient to pay all debts of the corporation, whether of principal or interest, falling due within the year, but shall not assess and levy in any year more than two and a half cents in the dollar on the assessed value of such property according to the last revised assessment roll, exclusive of school and local improvement rates and exclusive of any rate not exceeding two mills in the dollar for granting aid to public hospitals for the purposes mentioned in paragraph 28 of section 396. 1922, c. 72, s. 297 (1).

Where aggregate rates insufficient.

(2) If the aggregate amount of the rates necessary for payment of the current annual expenditure of the corporation, and the principal and the interest of such debts exceeds the rate mentioned in subsection 1, the council shall assess and levy such further sum as may be necessary to discharge such debts, but shall not contract any further debt until the annual rates are reduced to that rate without the approval of the Municipal Board which may be given if it is shown to the satisfaction of the Board that it is in the interests of the corporation and the ratepayers thereof that it should be authorized to incur such further debt and to levy any additional rate necessary to discharge it. 1922, c. 72, s. 297 (2); 1924, c. 53, s. 3.

Estimates to be made annually.

307.—(1) The council of every municipality shall, in each year, prepare estimates of all sums required for the purposes of the municipality during such year, making due allowance for the cost of collection, and for the abatement of taxes and for taxes which may not be collected.

By-laws for levying rates.

(2) One by-law or several by-laws for assessing and levying the rates may be passed as the council may deem expedient. 1922, c. 72, s. 298.

308.—(1) Where the amount collected falls short of the sum required, the council may direct that the deficiency be made up from any unappropriated fund, or, if there is no such fund, the deficiency may be deducted proportionately from the sums estimated, or from any one or more of them.

If the amount collected falls short.

Estimates may be reduced.

(2) Where the amount collected exceeds the estimates, the surplus shall form part of the general funds, and shall be at the disposal of the council, unless otherwise specially appropriated. 1922, c. 72, s. 299.

When sums collected exceed estimate.

309. The rates imposed for any year shall be deemed to have been imposed and to be due on and from the 1st day of January of such year unless otherwise expressly provided by the by-law by which they are imposed. 1922, c. 72, s. 300.

Rates to be due on January 1st.

PART XIV.

RESPECTING FINANCES.

Accounts and Investments.

310. Money received by any municipal corporation from the sale or hypothecation of any debentures shall be kept in a separate account and shall be used only for the purposes for which the same was raised and shall not be applied towards payment of the current or other expenditure of the municipality. 1927, c. 61, s. 25.

Application proceeds of debentures.

311. Every council shall keep a separate account of every debt and shall also keep two additional accounts in respect thereof, one for the interest and the other for the sinking fund or the instalments of principal, and both to be distinguished from all other accounts by a prefix designating the purpose for which the debt was contracted; and the accounts shall be kept so as to exhibit at all times the state of every debt, and the amount of money raised, obtained, and appropriated for payment of it. 1922, c. 72, s. 301.

Accounts, how to be kept.

312. If, in any year, after paying the interest, and appropriating the necessary sum to the sinking fund, or in payment of the instalments there is a surplus properly applicable to such debt, it shall so remain until required in due course for the payment of interest or for the sinking fund, or in payment of the principal. 1922, c. 72, s. 302 (1).

Application of surplus money.

313. No money collected for the purpose of a sinking fund shall be applied towards paying any part of the current or other expenditure of the corporation. 1922, c. 72, s. 302 (2).

Money levied for a sinking fund not to be diverted.

Liability of members for diversion of sinking fund.

314.—(1) If the council applies any money raised for a special purpose or collected for a sinking fund in paying current or other expenditure, the members who vote for such application shall be personally liable for the amount so applied, which may be recovered in any Court of competent jurisdiction. 1922, c. 72, s. 302 (3); 1927, c. 61, s. 26.

Action by ratepayer.

(2) If the council, upon the request in writing of a ratepayer, refuses or neglects for one month to bring an action therefor, the action may be brought by any ratepayer on behalf of himself and all other ratepayers. 1922, c. 72, s. 302 (4).

Disqualification.

(3) The members who vote for such application shall be disqualified from holding any municipal office for two years. 1922, c. 72, s. 302 (5).

Statement of treasurer as to amount required for sinking fund.

315.(1) The treasurer of a municipality in which any sum is required by law to be raised for a sinking fund, shall prepare and lay before the council in every year, previous to the striking of the annual rate, a statement showing what amount will be required for that purpose.

Penalty.

(2) For every contravention of this section, the treasurer shall incur a penalty not exceeding \$25. 1922, c. 72, s. 302 (6, 7).

Penalty where council neglects to levy for sinking fund.

316. If the council neglects in any year to levy the amount required to be raised for a sinking fund, each member of the council shall be disqualified from holding any municipal office for two years, unless he shows that he made reasonable efforts to procure the levying of such amount. 1922, c. 72, s. 302 (8).

Investment of sinking fund.

317. Subject to the provisions of sections 318 and 319, the council shall invest the sinking fund in such securities as a trustee may invest in under *The Trustee Act*, or with the approval of the Municipal Board in any debentures of the corporation. 1922, c. 72, s. 303.

Rev. Stat. c. 150.

Redemption of debentures with sinking fund.

318. The Municipal Board, on the application of a council, may direct that any part of the sinking fund, instead of being invested as hereinbefore provided, shall, from time to time, be applied to the redemption of any of the debentures, to the payment of which such sinking fund is applicable, to be selected as provided by the order of the Board, at such value as may be agreed on by the council and the holders of the debentures. 1922, c. 72, s. 304.

Payment of sinking fund into Provincial Treasury.

319.—(1) A council may provide by a money-by-law that the annual amount to be levied on account of the sinking fund shall be paid by the treasurer of the municipality to the Treasurer of Ontario, and if the by-law does not provide for such payment the council may pass a by-law providing therefor. 1922, c. 72, s. 305 (1).

(2) All money received by the Treasurer of Ontario under the provisions of this section shall form part of the Consolidated Revenue Fund, and a statement of the amount at the credit of each municipality shall be set forth annually in the Public Accounts of Ontario.

Money so received to form part of Consolidated Revenue.

(3) The Treasurer of Ontario may invest the amount at the credit of a municipality or any part thereof in the debentures of such municipality, to redeem which such sinking funds were paid to the Treasurer.

Sinking fund may be invested in the debentures to be redeemed.

(4) The amount payable in any year into the sinking fund which under the provisions of the by-law is to be paid to the Treasurer of Ontario shall be deemed a debt due to him, and in default of payment thereof he may sue therefor in his own name as for a debt due to the Crown in any Court of competent jurisdiction.

Amount payable into sinking fund to be a debt to the treasurer.

(5) Upon the maturity of the debentures to redeem which a sinking fund has been paid to the Treasurer, the amount to the credit of the sinking fund shall be payable out of the Consolidated Revenue Fund upon the order of the Treasurer to the holder of the debentures or to his agent or into a bank or otherwise according to the tenor of the debentures or as the Treasurer may direct. 1922, c. 72, s. 305 (3-6).

Disposition of sinking fund paid to treasurer.

320. The rate of interest to be paid or credited to any municipal corporation by the Treasurer of Ontario upon municipal securities, sinking funds or debentures deposited with or in the hands of the Treasurer of Ontario, either as an investment by the Province or for investment on behalf of a municipal corporation, shall be the current rate of interest as fixed from time to time by the Lieutenant-Governor in Council, to be based upon the average rate of interest actually payable upon the moneys borrowed on behalf of Ontario as a Provincial loan and then outstanding. 1927, c. 61, s. 27 (2).

Fixing current rate of interest on debentures, etc., held by Treasurer.

321. Every corporation the council of which shall pass a money by-law shall within thirty days after the final passing of the by-law transmit a certified copy of it to the Treasurer of Ontario. 1922, c. 72, s. 306.

Money by-laws to be sent to Provincial Treasurer.

322. Where by any by-law passed provision is made for raising a sinking fund to meet the debentures to be issued under the authority of the by-law the council in each year in which a sinking fund is required to be raised shall transmit to the Treasurer of Ontario a return showing whether the sinking fund for the year has been raised and how it has been applied or dealt with, and the state of the investment of any part of the sinking fund theretofore collected, which return shall be verified by the affidavit or statutory declaration of the head and the treasurer of the municipality. 1922, c. 72, s. 307.

Annual return as to sinking fund.

Penalty.

323. A corporation the council of which does not comply with the provisions of the next two preceding sections shall incur a penalty not exceeding \$100. 1922, c. 72, s. 308.

Certain money may be set apart for educational purposes.

Investment of same.

324. Where a corporation has surplus money derived from "The Ontario Municipalities Fund," or from any other source, the council may set it apart for educational purposes and may invest it as well as any other money held by the corporation for, or appropriated by it to such purposes, in the securities mentioned in section 317, or may lend the same to any board of public school trustees in the municipality for such term and at such rate of interest as may be agreed upon, or may apply any part of such money in aid of poor school sections in the municipality. 1922, c. 72, s. 309.

Apportionment of public school money among school sections in townships.

325. The council of a township may apportion, among the public school sections in the township, the principal or interest of any investments for public school purposes, according to the salaries paid to the teachers, or the average attendance of pupils in the respective school sections during the next preceding year, or according to the assessed value of the property in the section, or by an equal division among the sections. 1922, c. 72, s. 310.

Prohibition as to unauthorized investment.

326. A member of a council shall not take part in, or be a party to, the investment of any such money, otherwise than as authorized by this Act; and, if he does so, he shall be personally liable for any loss sustained by the corporation in respect of the investment. 1922, c. 72, s. 311.

Council to make annual report of debts to Bureau of Municipal Affairs.

327.—(1) Every corporation shall, on or before the 31st day of January in each year, transmit to the Bureau of Municipal Affairs in such form as may be prescribed by the Lieutenant-Governor in Council a statement as to the debts of the corporation, as they stood on the preceding 31st day of December, specifying, in regard to each debt of which any part remained unpaid on that day,

- (a) The original amount of the debt;
- (b) The date when it was contracted;
- (c) The time fixed for its payment;
- (d) The interest payable;
- (e) The amount to be raised annually for the payment of the debt and interest, or the instalments of them;
- (f) The amount actually raised in the year ended on the 31st day of December;

(g) The part (if any) of the debt redeemed or paid during that year;

(h) The amount of interest (if any) unpaid on that day; and

(i) The amount of principal still unpaid.

(2) For every contravention of subsection 1 the corporation shall incur a penalty not exceeding \$40. 1922, c. 72, s. 312. Penalty.

Commission of Inquiry Into Finances.

328.—(1) The Lieutenant-Governor in Council, on the application of one-third of the members of a council or of thirty municipal electors, may issue a commission to inquire into the financial affairs of the corporation and any matter connected therewith and the commissioner shall have all the powers which may be conferred on commissioners appointed under *The Public Inquiries Act*. When a commission of inquiry may issue. Rev. Stat. c. 20.

(2) The expenses of and incidental to the execution of the commission shall be determined and certified by the Treasurer of Ontario, and shall thereupon become a debt due by the corporation to the commissioner, payable within three months after demand therefor. 1922, c. 72, s. 313. Expenses of commission.

Debentures.

329.—(1) Subject to subsection 3 a debenture or other like instrument shall be sealed with the seal of the corporation, and signed by the head of the council, or by some other person authorized by by-law to sign it, and by the treasurer. Debentures, how to be executed.

(2) A debenture may have coupons for the interest attached to it which shall be signed by the treasurer and his signature to them may be written, stamped, lithographed or engraved. 1922, c. 72, s. 314 (1, 2). Execution of coupons.

(3) In a city having a population of not less than 200,000, the signature of the head of the council of the said corporation to all debentures or other like instruments issued by the said corporation may be written, stamped, lithographed or engraved and if such debentures or other like instruments are countersigned in writing by the deputy treasurer the signature of the treasurer thereon may be stamped, lithographed or engraved. 1922, c. 72, s. 314 (22); 1927, c. 61, s. 28. Execution of debentures.

(4) A debenture may be made payable to bearer or to a named person or bearer and the full amount of it shall be recoverable notwithstanding its negotiation by the corporation at a discount. 1922, c. 72, s. 314 (3). Full amount of debentures sold at a discount recoverable.

Debentures on which payment has been made for one year to be valid.

330. Where a certificate has been issued by the Municipal Board under section 304 or where the interest for one year or more on the debentures issued under a by-law and the principal of any debenture which has matured has been paid by the corporation the by-law and the debentures issued under it shall be valid and binding upon the corporation. 1922, c. 72, s. 315; 1927, c. 61, s. 29.

Mode of transfer may be prescribed.

331.—(1) Where a debenture contains or has endorsed upon it a provision to the following effect:—

“This debenture, or any interest therein, shall not, after a certificate of ownership has been indorsed thereon by the treasurer of this corporation, be transferable, except by entry by the treasurer or his deputy in the Debenture Registry Book of the Corporation at the
of
”

Debenture registry book.

the treasurer, on the application of the owner of the debenture or of any interest in it, shall endorse upon the debenture a certificate of ownership and shall enter in a book, to be called the Debenture Registry Book, a copy of the certificate and of every certificate which is subsequently given and shall also enter in such book a memorandum of every transfer of such debenture.

Requirements as to endorsing certificate of ownership.

(2) A certificate of ownership shall not be endorsed on a debenture, except by the written authority of the person last entered as the owner of it, or of his executors or administrators, or of his or their attorney, which authority shall be retained and filed by the treasurer.

Transfer by entry in registry book.

(3) After a certificate of ownership has been endorsed the debenture shall be transferable only by entry by the treasurer or his deputy in the Debenture Registry Book, as and when a transfer of the debenture is authorized by the then owner of it or his executors or administrators or his or their attorney. 1922, c. 72, s. 316.

Borrowing by hypothecation of debentures.

332.—(1) A council, pending the sale of a debenture, or in lieu of selling it, may, by by-law or resolution authorize the head and treasurer to raise money by way of loan on such debenture and to hypothecate it for the loan.

Application of proceeds of loan.

(2) The proceeds of every such loan shall be applied to the purposes for which the debenture was issued, but the lender shall not be bound to see to the application of the proceeds, and, if the debenture is subsequently sold, the proceeds of the sale shall be applied first in repayment of the loan. 1922, c. 72, s. 317.

NOTE.—See Sections 310 and 314.

333.—(1) Subject to subsection 2 a corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than \$50; and any such bond, bill, note, or debenture, shall be void. Debentures, etc., not to be for less sums than \$50.

(2) A debenture issued under the authority of any by-law, providing for payment of principal and interest together yearly so computed and apportioned that the sum of both principal and interest is an equal annual sum of not less than \$50, whether the debenture is issued with or without coupons, shall be deemed to be a debenture of not less than \$50 within the meaning of this section, and all debentures so issued under such a by-law and otherwise legal shall be valid. Proviso as to debentures issued for sums which include principal and interest.
1922, c. 72, s. 318.

Temporary Loans.

334.—(1) A council may either before or after the passing of the by-law for imposing the rates for the current year, authorize the head and treasurer to borrow on such security, if any, as the by-law may authorize, such sums as the council may deem necessary to meet the current ordinary expenditure of the corporation, and the sums required to be raised in the current year for High School and Public School purposes until the taxes are collected. Borrowing sums for current expenditure.

(2) The amount so borrowed and outstanding shall not at any time exceed in the case of a county the amount required to be provided for by the county rate for the current year, and in the case of a local municipality the following percentages of its ordinary expenditure for the next preceding year, together with the amount required to be raised for High School and Public School purposes for the current year; Limit of borrowing power.

(a) In the case of a town, village or township, any part of which is situate within two miles of a city having a population of not less than 100,000—80 per centum;

(b) In the case of a city and of any other town, village or township—90 per centum.

(3) If the council authorizes the borrowing of any larger sum, every member who votes therefor shall be disqualified from holding any municipal office for two years. Disqualification of members voting to exceed limit.

(4) The lender shall not be bound to establish the necessity of borrowing the sum lent. 1922, c. 72, s. 319. Lender not put on inquiry.

NOTE.—See also Section 88 (p) of *The Public Schools Act* as to the power of borrowing in the case of rural school sections.

335. Where by this or any other Act power is conferred on a municipal corporation to borrow money for any purpose without the assent of the electors, it shall include not only the Temporary advances to meet cost of works.

power to borrow money by the issue of debentures but also the power to agree with any bank or person for temporary advances to meet the expenditure incurred from time to time for such purpose. 1922, c. 72, s. 319a.

Power to
borrow to
meet guar-
antee of
debentures.

336. When a corporation guarantees the payment of the principal or interest of any bonds or debentures and default is made in payment of the principal or interest by the person primarily liable therefor, the council of such corporation may agree with any bank or person for temporary advances to meet the amount in default in any one year pending the collection of such amount by a rate on all the rateable property in the municipality, or where the guarantee is by or on behalf of a section or portion of a township, by a rate on all the rateable property in such section or portion. 1922, c. 72, s. 320.

PART XV.

ACQUISITION OF LAND AND COMPENSATION.

Land Taken or Injuriouly Affected.

Interpreta-
tion.

337. In this Part:

"Expropria-
tion."

(a) "Expropriation" shall mean taking without the consent of the owner, and "Expropriate" and "Expropriating" shall have a corresponding meaning.

"Land."

(b) "Land" shall include a right or interest in, and an easement over, land.

"Owner."

(c) "Owner" shall include mortgagee, lessee, tenant, occupant, and a person entitled to a limited estate or interest in land, a trustee in whom land is vested, a committee of the estate of a lunatic, an executor, an administrator, and a guardian.

"The Judge."

(d) "The Judge" shall mean, a judge of the county or district court of the county or district in which the land or any part of it is situate. 1922, c. 72, s. 321.

Power to
acquire or
expropriate
land.

338.—(1) The council of every corporation may pass by-laws for acquiring or expropriating any land required for the purposes of the corporation, and for erecting buildings thereon, and may sell or otherwise dispose of the same when no longer so required.

(2) Where in the exercise of its powers of acquiring or expropriating land it appears to the council that it can acquire a larger quantity of land from any particular owner at a more reasonable price and on terms more advantageous than those upon which it could obtain the part immediately required for its purposes, the council may acquire or expropriate such larger quantity and may afterwards sell and dispose of so much of it as is not so required.

Taking more land than required.

(3) A by-law for entering on or expropriating land shall contain a description of the land, and, if it is proposed to expropriate an easement or other right in the nature of an easement, a statement of the nature and extent of the easement to be expropriated. 1922, c. 72, s. 322.

Land to be described in by-law, etc.

339.—(1) Any land acquired or taken by a corporation in the exercise of the powers conferred by any general or special Act in excess of the land actually required for the opening, widening, extension or straightening of a highway may be used in or towards making compensation by way of restitution to the owner of other land taken for or in connection with the work, and the corporation may lawfully exercise such powers in pursuance of an agreement to that effect with such owner or with a view to making or proposing to make such an agreement.

Power to use excess land by way of compensation to owners.

(2) If in any arbitration proceeding to fix compensation for land taken by it the corporation shall offer to transfer or assure additional or other land to the owner by way of enlarging the remainder of his parcel or in substitution for his parcel such offer shall be taken into account by the arbitrators and dealt with in the award, and if the award is based on such transfer being made the offer shall be binding on the corporation in the terms fixed by the award (subject to any right of appeal) and the offer and final award shall together constitute an agreement between the parties and the owner shall be entitled to have such additional or substituted land assured him in accordance therewith.

Offer to transfer excess land by way of compensation to be considered by arbitrators; award to be binding.

(3) In such case upon the application of the corporation or of any interested party the Municipal Board may make such orders to compel the taking by the corporation of such additional land for the purposes of the agreement and concerning the compensation payable thereon and as to the vesting of the title to the land in accordance with the agreement as may be necessary to protect and enforce the rights of all parties interested. 1922, c. 72, s. 322a.

Power of Municipal Board to order performance of agreement.

340. The determination of a council as to the time when, the manner in which, the price for which or the person to whom any property of the corporation, which the council may lawfully sell, shall be sold, shall not be open to question, review, or control by any Court, if the purchaser is a person

Sale of land by council, when not to be open to question.

who may lawfully buy, and the council acted in good faith. 1922, c. 72, s. 323.

Power to enter on land after expropriation by-law passed.

341.—(1) At any time after the passing of a by-law for entering on or expropriating land, the corporation, by leave of the Judge and upon payment into the Supreme Court of a sum sufficient, in the opinion of the Judge, to satisfy the compensation, may enter upon the land, and, if any resistance or forcible opposition is made to its so doing, the Judge may issue his warrant to the sheriff of the county or district in which the land lies to put the corporation in possession, and to put down such resistance or opposition which the sheriff, taking with him sufficient assistance, shall accordingly do.

When leave and payment into court not required.

(2) Leave of the judge and payment into court shall not be necessary where the land is being expropriated for or in connection with the opening, widening, protecting from the erosion of streams or water, altering or diverting a highway unless upon application by the owner a Judge of the Supreme Court otherwise directs. 1922, c. 72, s. 324.

Owners of lands taken, etc., by corporation, etc., to be compensated.

342.—(1) Where land is expropriated for the purposes of a corporation, or is injuriously affected by the exercise of any of the powers of a corporation under the authority of this Act or under the authority of any general or special Act, unless it is otherwise expressly provided by such general or special Act, the corporation shall make due compensation to the owner for the land expropriated and for any damage necessarily resulting from the expropriation of the land, or where land is injuriously affected by the exercise of such powers for the damages necessarily resulting therefrom, beyond any advantage which the owner may derive from any work, for the purposes of, or in connection with which the land is injuriously affected. 1922, c. 72, s. 325 (1); 1927, c. 61, s. 30.

Arbitration.

(2) The amount of the compensation, if not mutually agreed upon, shall be determined by arbitration.

Fencing.

(3) Where fencing or additional fencing will become necessary, owing to land having been expropriated, the cost of it shall be included in the compensation.

Damages resulting from severance.

(4) Where part only of the land of an owner is expropriated, there shall be included in the compensation a sum sufficient to compensate him for any damages directly resulting from severance. 1922, c. 72, s. 325.

“Deferred” Widening. Etc., of Highway.

By-law may fix future date for widening, etc.

343.—(1) A by-law of the council of a city having a population of not less than 50,000 or a municipality bordering on such a city for establishing or laying out, or for extending, widening or diverting a highway or part of a

highway may provide that the corporation shall not enter immediately on the land required to be taken or proceed to carry out the work but that the same shall be deferred until a day named therein not less than three nor more than ten years after the date of the passing of the by-law; and in this section the word "highway" shall include "street" as defined in *The Local Improvement Act*.

Rev. Stat.
c. 235.

(2) The corporation shall not enter on any land required to be taken before the day named in such by-law unless by leave of the judge or by order of the Municipal Board made as hereinafter provided.

Entry de-
ferred
accordingly.

(3) Such by-law shall be binding upon the corporation and shall not be repealed or altered except by a vote of two-thirds of the members of the council and with leave of the Municipal Board; such leave to be granted the corporation only for exceptional reasons not apparent or existing when the by-law was passed and after hearing the owners of the lands proposed to be taken and on such terms as the Board may determine in regard to the re-vesting of the land taken and the payment to each owner of the damages, if any, sustained by him in consequence of the passing of the by-law or of so much of the by-law as is proposed to be altered and his costs.

By-law not
to be re-
pealed except
with leave of
Municipal
Board.

(4) Where the Council proposes to pass a by-law under this section it may register in the proper registry office a draft plan of the contemplated work with any supplementary memorandum which may be needed to show its substantial features and to furnish adequate local description to comply with *The Registry Act*, and the Registrar shall enter the same on the abstract index for each parcel of land required to be taken; but if the by-law is not passed within six months after such registration the registration shall be deemed of no effect and the corporation shall forthwith cause a certificate signed by the mayor or reeve and clerk and sealed with the corporation's seal, stating that no by-law was passed, to be registered in like manner in the registry office.

Registration
of plan in
advance.

Rev. Stat.
c. 155.

(5) After the passing of the by-law and subject to any order made by the Municipal Board under subsection 3 the land required to be taken for the work shall be deemed to be vested in the corporation for the purposes of a highway subject to the right of the owner or his assigns to remain in the possession and enjoyment thereof without impeachment of waste either wanton or permissive until entry by the corporation as aforesaid and to utilize the land and to erect buildings thereon during his or their occupancy (subject to the provisions contained in subsections 12 and 13 hereof as to compensation in respect of such buildings).

Land taken
shall vest
at once in
corporation
on conditions.

(6) After the land is vested in the corporation it shall for all purposes of assessment and taxation, whether under the

Assessment
of land when
vested.

said by-law or otherwise, be deemed to be a component part of the highway; but where a building stands partly on land taken for the work and partly on adjoining land it shall be assessed on the assessment roll of the municipality in the same manner as if it stood entirely on such adjoining land.

Corporation
to enter at
date named.

(7) At the date named in the by-law for entry it shall be the duty of the corporation to enter and proceed with diligence and despatch to remove all buildings and obstructions from the land taken for the work and to put it in fit and proper condition and make it available for use as a highway.

Subsequent
by-law for
undertaking
work as
a local im-
provement.

(8) The by-law may be passed without the assent of the electors and without regard to the provisions of *The Local Improvement Act* and shall express the intention of the council as to the corporation's portion of the cost thereunder, and the council may thereafter by a majority vote, pass a by-law for undertaking the work as a local improvement and such by-law shall have the same force and effect as if passed under section 8 of *The Local Improvement Act* and the provisions of that Act shall apply thereafter to such work, *mutatis mutandis* and the owners of the lots liable to be specially assessed thereunder shall have all the rights and remedies in relation thereto which are given them by the said Act so far as they are not inconsistent with the other provisions of this section, but the Municipal Board shall have no power under section 6 or 8 of the said Act, either by making an order or by withholding its approval to prevent the due carrying out of the work. 1922, c. 72, s. 325a (1-8).

Rev. Stat.
c. 235.

Compensation under "deferred" street-widening.

Compensation,
when
payable.

(9) Except as may be otherwise ordered by the Municipal Board under subsection 13 compensation payable under this section shall not become payable until the day fixed in the by-law for entry. 1922, c. 72, s. 325a (9); 1924, c. 53, s. 4 (1).

Limitations
as to com-
pensation.

(10) The compensation shall be limited to

- (a) the market value of the land itself exclusive of and without regard to any buildings or improvements thereon; and
- (b) the value of the buildings and improvements. 1922, c. 72, s. 325a (10).
- (c) damages occasioned by disturbance to any business established previous to the passing of the by-law to which the general principles of compensation shall apply;

- (d) damages to land, buildings and improvements injuriously affected by the exercise of any of the powers conferred by this section. 1924, c. 53, s. 4 (2).

(11) The compensation shall be determined by a Board of three arbitrators, all of whom may be residents of the municipality, one to be appointed by the judge and one by the Municipal Board and the third to be chosen by the two so appointed, and in the event of their failure to agree, the third to be appointed by the Chief Justice of Ontario. Arbitrators.

(12)—(a) In this subsection the word “land” shall mean the land itself exclusive of and without regard to any buildings or improvements thereon. 1922, c. 72, s. 325a (11) (a). “Land.”

(b) Notwithstanding that entry is deferred the corporation or the owner may proceed at once after the passing of the by-law to have determined the compensation, if any, payable hereunder in respect of any land. 1922, c. 72, s. 325a (11) (b); 1924, c. 53, s. 4 (3). Fixing compensation for land apart from buildings.

(c) The value of the land shall be fixed as of the date of the registration of the draft plan (or if no plan is registered, as of the date of the passing of the by-law). Value.

(d) The board of arbitrators may determine the compensation in a summary manner upon seven days’ notice in writing duly served; and after hearing what is alleged by the parties and without hearing any other evidence unless it decides to do so may forthwith make its award, and the award so made shall be final and shall not be subject to appeal, except as to questions of law on which there shall be an appeal to the Appellate Division of the Supreme Court, whose decision shall be final and binding and without appeal. Arbitration. Appeal.

(e) The board of arbitrators in its discretion may require all the claims for land taken under the by-law to be brought before it at one hearing, or it may divide the claims into groups and hold a separate hearing for each group. 1922, c. 72, s. 325 a (11) (c-f). Hearing.

(13)—(a) Compensation shall be allowed in respect of buildings and improvements as they may exist at the date fixed for entry; and such compensation shall be determined by said board of arbitrators in the manner above set out. 1922, c. 72, s. 325a (12) (a); 1924, c. 53, s. 4 (4). Fixing compensation for buildings.

(b) In respect to buildings or improvements erected or made after the date of the registration of the draft plan of the work (or if no plan is registered, after the date of the passing of the by-law) the compensation or damages shall be allowed and payable to the extent only of three-quarters of the proper cost of a structure one storey in height of such temporary character, conformable to the existing As to buildings erected after passing of by-law.

building by-laws and regulations, as may be reasonable in view of the limited time which is to elapse before entry. 1922, c. 72, s. 325a (12) (b).

Relief in
special cases.

(14) The Municipal Board may make an order at any time granting relief in the following cases: first, where part of an owner's lot is taken for the work and special circumstances exist in the matter of the location, size or shape of the lot which render it inequitable and unjust that the compensation to be allowed for buildings or improvements to be thereafter erected thereon should be limited as provided in subsection 12 and, secondly, where the work is deferred until a day more than five years after the date of the passing of the by-law and the whole of the owner's lot is taken or so much of it as to render the remainder, by reason of its size or shape, unfit for building purposes; and the Board in the first case may approve of plans and specifications for appropriate buildings or improvements and fix the basis of compensation to be made therefor, and in the second case it may direct the corporation to enter and make compensation to the owner at an earlier day than the day named in the by-law or to make an immediate or periodical payment to the owner to compensate him for the delay; or it may make such further or other order in either case as may be required to afford due compensation to the owner for the exceptional and peculiar damage he would suffer by reason of the special circumstances affecting his lot.

Temporary
advances.

(15) The council may agree with any bank or person for temporary advances to meet any costs or liabilities incurred under the by-law prior to the completion of the work. 1922, c. 72, s. 325a (13, 14).

General Provisions as to Compensation.

Claim for
compensation,
when and how
to be made.

344.—(1) Except where the person entitled to the compensation is an infant, a lunatic, or of unsound mind, a claim for compensation for damages resulting from his land being injuriously affected shall be made in writing, with particulars of the claim, within one year after the injury was sustained, or after it became known to such person, and, if not so made, the right to compensation shall be forever barred.

Case of
infant,
lunatic, etc.

(2) In the case of an infant, a lunatic, or a person of unsound mind, the claim shall be so made within the same period, or within one year after he ceased to be under the disability, whichever shall be the longer, or in case of his death while under the disability within one year after his death, and, if not so made, the right to compensation shall be forever barred.

Exception
as to
acquiring
easement.

(3) This section shall not apply where the expropriating by-law provides for acquiring an easement or right in the nature of an easement, and the damages arise from the exercise of such easement or right. 1922, c. 72, s. 326.

345.—(1) If the owner of the land is unknown, or cannot be found, or if there is no person competent to contract with the corporation for the sale to it of the land, and to convey it to the corporation, the judge may, on the application of the corporation, appoint a person to act for the owner, and all acts done, contracts made, and conveyances executed by such person, shall be as valid and effectual as if the same were done, made or executed by the owner, and he were of full age and competent to do the act, make the contract or execute the conveyance.

Appointment of person to act for owner who is unknown or cannot be found.

(2) In the cases provided for by subsection 1, the amount of the compensation agreed upon or awarded shall be paid into the Supreme Court, with the privity of the Accountant of the Supreme Court, subject to further order. 1922, c. 72, s. 327.

Payment of compensation into court.

346. The compensation shall stand in the place of the land, and shall be subject to the limitations and charges, if any, to which the land was subject; and any claim to or incumbrance upon the land, or any part of it, as against the corporation, shall be converted into a claim upon the compensation. 1922, c. 72, s. 328.

Compensation to stand in the stead of land.

347.—(1) Where it is made to appear to a Judge of the Supreme Court that for any reason it is proper that the compensation should be paid into court, the judge may give leave to the corporation to pay it into court, with interest at the rate of six per centum per annum for six months.

Interest on compensation.

(2) Notice of the payment into court, and calling upon all persons entitled to the land, or any part of it, to file their claims to the compensation, or any part of it, shall be published in such newspaper and for such time as the Judge may direct.

Notice of payment into court.

(3) All claims to or upon the compensation shall be determined by a Judge of the Supreme Court or in such manner as he may direct.

Claims, how determined.

(4) The costs of the proceedings, including allowances to witnesses, shall be paid by the corporation or by such person as the Judge may direct.

Costs.

(5) If an order for distribution is obtained in less than three months from the payment into Court the Judge may direct a proportionate part of the interest to be returned to the corporation.

Refund of interest.

(6) The payment into Court shall discharge the corporation from all liability in respect of the compensation. 1922, c. 72, s. 329.

Payment into court to discharge corporation.

Order vest-
ing land in
corporation.

348. After payment into Court of the compensation, a Judge of the Supreme Court may, upon the application of the corporation, make an order, vesting in the corporation the land in respect of which the compensation was payable, and the order shall have the same effect as a vesting order made under the provisions of *The Judicature Act*. 1922, c. 72, s. 330.

Rev. Stat.
c. 88.

Taking, etc.,
lands for
public work.

349.—(1) Where the council of a city or town is desirous of entering upon any work or undertaking, for which land is required to be expropriated, or, in the execution of which, land may be injuriously affected, the council may file, in the office of the clerk, plans and specifications of the work or undertaking, which shall show the names of the owners of the land to be affected, the land to be expropriated, and the nature and extent of any easement, or right in the nature of an easement, to be acquired, or certified copies of such plans and specifications.

Filing plans
and speci-
fications.

Service of
notice of
intention to
construct
works, etc.

(2) The clerk shall cause to be served upon every owner of land to be expropriated, or which may be injuriously affected, a notice of the council's intention to proceed with the work or undertaking, and to expropriate the land necessary therefor, and that such plans and specifications may be inspected at his office, and that any claim for compensation on account of the land being injuriously affected must be filed in his office, with a statement of the amount claimed, within sixty days, or, if the person served resides out of Ontario, within ninety days, from the service of the notice.

Filing of
claim.

Claim not
filed to be
barred.

(3) If a claim is not so filed within the period mentioned in subsection 2, it shall be forever barred, unless, upon application to a Judge of the Supreme Court, made not later than one year from the service of the notice, and, after seven days' notice to the corporation, the Judge allows the claim to be made.

Appeal.

(4) Either party may appeal from the decision of the Judge to a Divisional Court.

Claims not
barred
where plans
insufficient.

(5) Nothing in this section shall have the effect of barring a claim, if the plans and specifications filed do not disclose or sufficiently disclose that the injury in respect of which the claim is made will be caused by the work or undertaking.

For claims of
infants, luna-
tics, etc.

(6) This section shall not apply to the claim of an infant, a lunatic or a person of unsound mind, or where the expropriating by-law provides for acquiring an easement or right in the nature of an easement and the land is injuriously affected by the exercise of such easement or right. 1922, c. 72, s. 331.

PART XVI.

Arbitrations.

350.—(1) Save in cases where there is an official arbitrator the senior judge of the county or district court shall be sole arbitrator unless he shall under his hand request a junior judge or the judge or junior judge of some other county or district to act for him, in which case the judge so designated shall be sole arbitrator. Senior judge as sole arbitrator.

(2) The provisions of *The Municipal Arbitrations Act* Rev. Stat. c. 242. as to procedure and appeals shall apply to arbitrations held and awards made by the judge. 1927, c. 61, s. 31.

351.—(1) Where the arbitration is as to compensation, if the expropriating by-law did not authorize or profess to authorize any entry on or use to be made of the land before the award, except for the purpose of survey, or if the by-law gave or professed to give such authority, but the arbitrator by his award finds that it was not acted upon, the award shall not be binding on the corporation, unless it is adopted by by-law, within three-months after the making of the award, or after the determination of any appeal therefrom, and if it is not so adopted, the expropriating by-law shall be deemed to be repealed, and the corporation shall pay the costs between solicitor and client of the reference and award, and shall also pay to the owner the damages, if any, sustained by him in consequence of the passing of the by-law, and such damages if not mutually agreed upon shall be determined by arbitration and if the by-law has been registered or a caution in respect of it has been filed the corporation shall forthwith cause a certificate signed by the mayor and clerk and sealed with the corporation's seal, stating that the by-law stands repealed, to be registered in the proper registry office or the caution to be removed as the case may be. Award not to be binding in certain cases unless adopted by by-law.

(2) Subject to the provisions of subsection 3, where the expropriating by-law did not authorize or profess to authorize any entry on or use to be made of the land except for the purpose of survey, or if the by-law gave or professed to give such authority but it has not been acted on, the council may at any time before the making of the award, and whether or not arbitration proceedings have been begun, repeal the by-law, and if that is done the repealing by-law shall, if the expropriating by-law has been registered, be forthwith registered by the corporation in the proper registry office, or if the land is under *The Land Titles Act* and a caution has been filed, the corporation shall forthwith remove the caution and the costs and damages mentioned in subsection 1 shall be paid by the corporation as therein provided. Power to repeal by-law before award.

Rev. Stat.
c. 158.

(3) Subsection 2 shall not in any way affect or apply to the rights of any person under an award heretofore made. 1922, c. 72, s. 347.

PART XVII.

ACTIONS BY AND AGAINST MUNICIPAL CORPORATIONS.

Right of action of municipal corporation to enforce agreements, etc.

352. Where a duty, obligation, or liability is imposed by statute upon any person in favour of a municipal corporation, or the inhabitants, or some of the inhabitants, of a municipality, or where a contract or agreement is entered into, which imposes such a duty, obligation, or liability, the corporation shall have the right by action to enforce it, and to obtain as complete and as full relief and remedy as could be obtained in an action by the Attorney-General, as plaintiff, or as plaintiff on the relation of any person interested, or in action by such inhabitants or one or more of them, on his or their own behalf, or on behalf of himself or themselves and of such inhabitants. 1922, c. 72, s. 348.

Corporation to be liable for acts done under illegal by-law.

353. An action shall not be brought for anything done under a by-law, order or resolution of a council which is invalid, in whole or in part, until one month after the by-law, order, or resolution, or so much of it as is invalid, has been quashed or repealed, and every such action shall be brought against the corporation alone, and not against any person acting under the by-law, order or resolution. 1922, c. 72, s. 349.

PART XVIII.

RESPECTING THE ADMINISTRATION OF JUSTICE.

Justices of the Peace.

Certain persons to be ex-officio Justices of the Peace.

354. The head of every council, the reeve of every town, and every deputy reeve, after he has made the declarations of office and qualification, shall, *ex officio*, be a justice of the peace for the whole county, and every controller and alderman in a city, after he has made such declarations, shall be, *ex officio*, a justice of the peace for the city. 1922, c. 72, s. 350.

Justice may act although member of council.

355. A justice of the peace shall not be disqualified from acting in the case of a prosecution for a breach of a by-law of a council,

(a) by reason of his being a member of the council; or

- (b) because the penalty or part of it goes to the corporation of a municipality of which he is a ratepayer. 1922, c. 72, s. 351.

Police Office in Cities and Towns.

356. The council of every city and town shall establish and maintain therein a police office. 1922, c. 72, s. 352. Police office.

357.—(1) The police magistrate, or, if he is absent or ill, or if there is a vacancy in the office, the deputy police magistrate, shall attend at the police office daily, for such period as may be necessary for the disposal of the business to be done. Police magistrate to attend daily.

(2) In a town for which there is not a police magistrate, the mayor shall attend at the police office daily, or at such time, and for such period as may be necessary for the disposal of the business that may be brought before him as a justice of the peace. Mayor to attend where no police magistrate.

(3) In a city or town for which there is a police magistrate, if he is absent or ill, and there is no deputy police magistrate, or if the deputy police magistrate is also absent or ill, the mayor shall attend in the place of the police magistrate, but shall have only the powers of a justice of the peace. Case of illness or absence of police magistrate.

(4) A justice of the peace having jurisdiction in a city or town may, at the request of the mayor, act in his stead. When Justice may act.

(5) The council shall provide all necessary and proper accommodation, fuel, light, stationery and furniture for the police office, and for the officers connected with it. Accommodation, etc., for police office.

(6) The clerk of the council of the city or town, or such other person as the council appoints for that purpose, shall be the clerk of the police office, and shall perform the same duties and receive the same fees and emoluments as a clerk of a justice of the peace. Clerk of police office and his duties.

(7) Where the clerk of the council is paid by a salary, the fees and emoluments shall be paid over by him and belong to the corporation. If paid by salary, fees to belong to corporation.

(8) Where there is a police magistrate, the clerk of the police office shall be under his control. 1922, c. 72, s. 353. Clerk to be under control of magistrate.

Boards of Commissioners of Police.

358.—(1) Notwithstanding the provisions of any special Act, there shall be for every city, and there may be constituted by the council thereof for every town having a police magistrate, a Board of Commissioners of Police. Constitution of Board in cities and towns.

Who to be members.

(2) The Board shall consist of the mayor, a judge of the county or district court of the county or district in which the city or town is situate, and the police magistrate.

Designating judge where more than one.

(3) If there are two or more judges for the county or district, the Lieutenant-Governor in Council shall designate the judge who is to be a member of the Board. 1922, c. 72, s. 354 (1-3).

Illness or absence of judge.
Rev. Stat. c. 91.

(4) In case of the illness or absence of the Judge, the acting Judge appointed under the provisions of *The County Courts Act* shall act in his stead. 1924, c. 53, s. 5.

Absence of police magistrate.

(5) If the police magistrate is absent from Ontario, the deputy police magistrate shall act in his stead during his absence.

Vacancy in office of judge or police magistrate.

(6) If the office of judge or that of police magistrate is vacant, the council shall fill the vacancy on the Board by appointing a resident of the municipality to act during the vacancy.

Illness or absence of mayor.

(7) In case of the illness or absence from Ontario of the mayor, or of the office being vacant, the person appointed as presiding officer of the council shall act instead of the mayor.

Remuneration of judge, etc.

(8) The council of a city may provide for the payment of a reasonable remuneration for his services as a member of the Board to the judge or the police magistrate, or to any person appointed to fill the vacancy while the office of judge or police magistrate is vacant.

Repeal of by-law constituting board.

(9) The by-law of the council of a town may at any time be repealed, and, if repealed, the Board shall, on the first day of January next after the passing of the repealing by-law, be dissolved. 1922, c. 72, s. 354 (4-8).

Constitution of board in county.

359.—(1) The council of every county having a police magistrate may by by-law constitute a board of commissioners of police consisting of the warden, a judge of the county court and a police magistrate.

Where there are two or more magistrates or judges.

(2) If there are two or more judges for the county or two or more police magistrates, the Lieutenant-Governor in Council shall designate which judge or police magistrate is to be a member of the board.

Filling vacancies.

(3) If any person named as a member of the board is ill or absent from Ontario or if the office is vacant, the council may fill the vacancy on the board by appointing a resident of the municipality to act during the vacancy.

Repeal of by-law.

(4) The by-law may at any time be repealed, and if repealed the board shall on the first day of January next after the passing of the repealing by-law be dissolved. 1922, c. 72, s. 354a.

360.—(1) The Board shall, in each year, at its first ^{Chairman.} meeting held after the Mayor has made the declarations of office and qualification, elect a chairman.

(2) A majority of the members of the Board shall con- ^{Quorum.} stitute a quorum.

(3) The meetings of the Board shall be open to the public, ^{Meetings public.} unless otherwise directed by the Board. 1922, c. 72, s. 356.

361.—(1) A by-law of the Board shall be sufficiently ^{How by-law of Board authenticated and proved.} authenticated, if signed by its chairman or acting chairman, and a by-law purporting to be so signed shall be received in evidence in all courts, without proof of the signature.

(2) A copy of a by-law purporting to be certified by a member of the Board to be a true copy, shall be received in evidence in all courts, without proof of the signature. 1922, c. 72, s. 357.

362. The Board shall have the same power to summon ^{Board may examine witnesses on oath.} and examine witnesses on oath as to any matter connected with the execution of its duties, to enforce their attendance, and to compel them to give evidence, as is vested in any Court of law in civil cases. 1922, c. 72, s. 355 (1).

363. It shall be the duty of every person served with a ^{Force of notice to attend before Board.} notice to attend before the Board, signed by a member of it, to attend pursuant to the notice, and the notice shall have the same effect as a subpoena. 1922, c. 72, s. 355 (2).

364. The police force in cities and in towns having a ^{Police force in cities and towns.} Board of Commissioners of Police shall consist of a chief constable and as many constables and other officers and assistants as the council may deem necessary, but, in cities, not less than the Board reports to be absolutely required. 1922, c. 72, s. 359.

365. The members of the police force shall be appointed ^{Appointment of members of police force.} by and hold office during the pleasure of the Board, and shall take and subscribe an oath similar to that set out in section 18 of *The Constables Act*. 1922, c. 72, s. 360. ^{Rev. Stat. c. 125.}

366. The Board may make regulations for the govern- ^{Board to make regulations.} ment of the police force, for preventing neglect or abuse, and for rendering it efficient in the discharge of its duties. 1922, c. 72, s. 361.

367. The members of the police force shall be subject ^{Police officers to be subject to the board.} to the government of the Board, and shall obey its lawful directions. 1922, c. 72, s. 362.

Submission
of estimates
to council.

368.—(1) The Board shall, on or before the first day of March in each year prepare and submit to the council for its consideration and approval, its estimates of all moneys required for the ensuing year to pay the remuneration of the members of the police force and to provide and pay for offices, arms, accoutrements, clothing, and other things for the accommodation, use and maintenance of the force.

Indemnify-
ing police
officers.

(2) The council may pay any sum required for the protection, defence, or indemnification of any member of the police force, where an action or prosecution is brought against him, and costs are necessarily incurred or damages are recovered, if the Board certifies that the case is a proper one for such payment or indemnity. 1922, c. 72, s. 363.

Constables
in towns
and villages.

369. The council of every town not having a Board shall, and the council of every village may, appoint one chief constable and one or more constables. 1922, c. 72, s. 364.

County and
township
constables.

370. The council of a county and of a township may appoint one or more constables. In the case of a township, the remuneration of such constable or constables may, if the council deems proper, be paid by a rate levied on any defined section or area of the township. 1922, c. 72, s. 365.

Powers of
police
officers,
constables,
etc.

371.—(1) The members of a police force, and the constables appointed under the authority of this Part shall have the same powers and privileges, be subject to the same liability, perform the same duties, be subject to suspension in the same manner, and may act within the same limits, as a constable appointed by the Court of General Sessions of the Peace.

(2) The provisions of subsection 1, as to suspension, shall not apply to a member of the police force of a city or town which has a board of Commissioners of Police. 1922, c. 72, s. 366.

Duties of
police officers,
constables, etc.

372. The members of a police force, a chief constable and the constables appointed under this Part, shall be charged with the duty of preserving the peace, preventing robberies, and other crimes and offences, including offences against the by-laws of the municipality, and of apprehending offenders, and laying information before the proper tribunal, and prosecuting and aiding in the prosecution of offenders. 1922, c. 72, s. 367.

[As to appointment of High Constable by county, see The Constables Act.]

Salary and
remunera-
tion.

373.—(1) The council by which a chief constable or a constable is appointed under the authority of this Part may provide for the payment to him of such salary or remuneration as the council may determine.

374. The council may agree with a salaried constable appointed either by the council or by the Board of Commissioners of Police that he shall keep for his own use the fees of his office, or may require them to be paid to the treasurer for the use of the corporation. 1922, c. 72, s. 368.

Fees of
salaried
constable.

375.—(1) If there is no Board of Commissioners of Police for a town, the mayor or the police magistrate may suspend from office, for any period in his discretion, the chief constable or any constable of the town, and may appoint some other person to the office during such period; and, if he considers the suspended officer deserving of dismissal, he shall, immediately after suspending him, so report to the council, and the council may dismiss such officer, or may direct him to be restored to his office after the period of suspension has expired.

When mayor
or police
magistrate
may suspend
constable.

(2) During suspension, the officer shall not act except with the written permission of the mayor or police magistrate who suspended him, or be entitled to any salary or remuneration. 1922, c. 72, s. 370.

Incapacity
of such
officer to act.
Salary to
cease.

Court Houses, Gaols, Etc.—Establishment.

376. Until otherwise provided by law the existing county and district towns shall continue to be the county and district towns of the counties and districts in which they are respectively situate. 1922, c. 72, s. 371.

Existing
county and
district towns
continued.

377.—(1) The corporation of every county shall provide and maintain a county court house and a county gaol.

County to
provide
court house
and gaol.

(2) The court house and the gaol shall be sufficient for the purposes of every city and separated town, which forms part of the county for judicial purposes as well as for the purposes of the county.

Sufficient
for county
and city.

(3) The gaol shall be provided and maintained in conformity with the provisions of *The Gaols Act*, and to the satisfaction of the Lieutenant-Governor in Council.

Maintenance
of gaol.
Rev. Stat.
c. 351.

(4) Subsection 2 shall not apply to the court house if the city has a court house of its own, or to the gaol if the city has a gaol of its own. 1922, c. 72, s. 372.

378.—(1) The council of a county or of a city may pass by-laws for erecting, enlarging or improving a court house, or gaol, and shall keep the same in repair and provide the food, fuel, and other supplies required therefor.

Erection of
court house
or gaol by
county or
city.

(2) The corporation of a county may acquire land within a city or separated town, which is the county town for the purpose of erecting and may erect thereon a court house, a gaol, and buildings for use as a county hall and for offices for the county officials. 1922, c. 72, s. 373.

County ac-
quiring land
in city or
separated
town.

Use of
county gaols
and court
houses by
city or
separated
town.

379. The court house and the gaol of the county in which a city or separated town is situate, shall, except where the city has provided one for itself, be the court house or gaol, as the case may be, of the city or town, and the sheriff and gaoler shall receive and safely keep, until duly discharged, all persons committed to the gaol by any competent authority of the city or town. 1922, c. 72, s. 374.

Care of Court Houses and Gaols.

Custody
of gaols.

Keepers.

380.—(1) The sheriff shall have the care of the county gaol, gaol offices and yard, and gaoler's apartments, and the appointment of the gaoler and officers of the gaol, whose salaries shall be fixed by the county council, subject to the revision or requirement of the Inspector of Prisons and Public Charities.

Appointment
and dismissal
of gaolers.

(2) The appointment or dismissal of a gaoler shall be subject to the approval of the Lieutenant-Governor in Council. 1922, c. 72, s. 375.

Gaoler not
to accept
fees.

381. A gaoler or an officer of the gaol shall not demand or receive any fee, perquisite, or other payment from any prisoner. 1922, c. 72, s. 376.

County
council to
have care
of court
house, etc.

382.—(1) The county council shall have the care of the court house and of all offices, rooms and grounds connected therewith, whether the court house is a separate building or is connected with the gaol, and the appointment of the caretakers thereof, and shall, from time to time, provide all necessary and proper accommodation, fuel, light, stationery, and furniture for the Provincial Courts of Justice, other than the Division Courts, and for the library of the Law Association of the county, such last mentioned accommodation to be provided in the court house, and proper offices, together with fuel, light, stationery, and furniture, and, when certified by the Attorney-General to be necessary, with type-writing machines, for all officers connected with such Provincial Courts, other than the Crown Attorney of the City of Toronto. (*As to Division Courts, see Rev. Stat. c. 95.*)

Provision in
City of
Toronto.

(2) The council of the corporation of the City of Toronto shall provide proper offices, with fuel, light, stationery, and furniture for the Crown Attorney of the City.

Liability
for furniture.

(3) A corporation shall not be liable to pay for furniture, unless it has been ordered by the council or by some person authorized by it so to do. 1922, c. 72, s. 377.

Care of
city gaol.

383. The care of the gaol or court house of a city shall be regulated by by-law of its council. 1922, c. 72, s. 378.

Costs and Expenses of Court Houses and Gaols.

384.—(1) A city, or a separated town shall, as part of the county for judicial purposes, so long as the county court house or gaol is also that of the city or separated town, bear and pay its just share or proportion of all charges and expenses from time to time incurred for the purposes mentioned in section 21 of *The Registry Act*, and in erecting, enlarging, improving, repairing or maintaining such court house or gaol, and of their proper lighting, cleaning, and heating; of drafting, selecting, enrolling and paying jurors; in providing the accommodation and other matters mentioned in subsection 1 of section 382, and of all other charges relating to the administration of justice, except such as the county is entitled to be repaid by the Province and except charges connected with coroners' inquests and constables' fees and disbursements.

Liability of cities and towns separated from counties for cost of erection and maintenance of court house, etc. Rev. Stat. c. 155.

(2) The use of the court house for the sittings of a division court of a division which comprises the whole or a part of a city or separated town, may be taken into account in determining the amount to be paid by the city or town for the maintenance of the court house.

Allowance to county for use of court house for division courts.

(3) If the council of the city or separated town and the council of the county are unable to agree as to the amount to be paid by the city or town, the same shall be determined by arbitration.

Reference to arbitration in case of disagreement.

(4) The council of a county and of a city or separated town situate in the county may agree:

Purchase of land and erection of buildings for municipal and judicial purposes.

- (a) To acquire land within the county town for the purpose of erecting thereon buildings for the joint use of the county and city or town, for municipal and judicial purposes;
- (b) For the erection, maintenance, use, management, and control of such buildings;
- (c) For fixing the amount which each corporation shall pay or contribute for such purposes;
- (d) For the subsequent disposition of such land and buildings, and of any insurance or other money that may be received in respect thereof;

and may pass all such by-laws as may from time to time be necessary for acquiring the land, and carrying out the agreement. 1922, c. 72, s. 379.

As to payment of expenses of shorthand writer and interpreter, see The County Judges Act.

As to payment by city or separated town of proportion of certain expenses under The Registry Act, see that Act.

What arbitrators to take into account.

385. Where the court house, gaol or registry office was erected before the city or town ceased to be part of the county for municipal purposes the arbitrators shall take into account in determining the amount to be paid by the city or town the value of the respective interests of the county and of the city or town in such building and the extent of the use of it by them respectively. 1922, c. 72, s. 380.

Insurable interests of corporations in court house and gaol.

386. The corporation of a county, city or separated town shall have, respectively, from time to time, insurable interests in the county court house and gaol in the proportions of the aggregate amounts which they shall have contributed, respectively, to the costs, charges and expenses of erecting, enlarging, improving and repairing said buildings, and in the contents and furniture of the county court house and gaol in the proportions of the aggregate amounts which they shall have contributed, respectively, to the costs, charges and expenses of providing said contents and furniture. 1922, c. 72, s. 381.

Liability of city to contribute towards cost of court house and gaol.

387. Where a city is required to contribute towards the cost of building a court house or gaol not commenced before the 5th day of March, 1880, the city shall not be bound to pay for any part of the expenditure thereafter incurred in respect thereto unless the same has been concurred in by the council of the city, or in case of dispute has been determined by arbitration according to the provisions of this Act; and the council of the city shall have a voice in the selection of the site of the court house or gaol. 1924, c. 53, s. 6.

Site for court house or gaol.

388. The site of the court house or gaol shall be determined by arbitration, unless the councils of the county and city agree as to the site. 1922, c. 72, s. 383.

Compensation by city or town for use of court house, etc.

389.—(1) A city which uses the county court house or gaol, and a separated town shall pay to the county such compensation therefor, and for the care and maintenance of prisoners, as may be mutually agreed upon, or determined by arbitration.

Matters to be considered in determining compensation.

(2) In determining the compensation to be paid for the care and maintenance of prisoners, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of the gaol and gaol buildings and of repairs and insurance, so far as they have been borne by one or other of the municipalities, and the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith. 1922, c. 72, s. 384.

390. Where in any city or town the court house and gaol of the county have been erected at the expense of the county after the separation for municipal purposes of such city or town from the county, and before the 29th day of March, 1873, and such city or town has not erected a separate court house and gaol, if the city or town does not agree with the county as to the amount to be paid to the county as an allowance for interest and depreciation upon the capital cost of the erection of the county court house and gaol, the arbitrators in making their award, shall take into account the relative populations of the city or town and county, respectively, and the extent to which said buildings are used by the city or town and the county jointly or severally, as municipal corporations, or for municipal purposes, as well as the extent to which said buildings are used for the general administration of justice, and apart from and in addition to any amount payable under this Act for the use of said buildings by the city or town as a municipal corporation, or for municipal purposes, the arbitrators shall award to be paid by the city or town, a just proportion of the equivalent of annual interest and depreciation upon the capital cost incurred before said date in the erection of such buildings, which equivalent of interest and depreciation shall be computed at the rate of five and one-half per centum per annum, and the amount so awarded shall be payable by such city or town in addition to the share, proportion or compensation payable by such city or town under sections 384 and 389 of this Act. 1924, c. 53, s. 7.

Settlement of amount payable by city or town when court house and gaol built at expense of county.

391. After five years from the time when the amount of the compensation was agreed upon or determined by arbitration, either under section 384 or after a direction by the Lieutenant-Governor in Council under the authority of this section, the Lieutenant-Governor in Council, upon the application of either corporation may direct that the existing arrangement shall cease after a day to be named and that the compensation to be paid from that day shall be settled by agreement or be determined by arbitration. 1922, c. 72, s. 385.

When the amount of compensation may be reconsidered.

392.—(1) The council of every local municipality may establish, maintain and regulate lock-up houses for the detention and imprisonment of persons sentenced to imprisonment therein for not more than ten days, and of persons detained for examination on a charge of having committed any offence, or for transfer to any common gaol for trial, or in the execution of any sentence; and such persons may be lawfully received and so detained in the lock-up.

Lock-up houses.

(2) Two or more local municipalities may unite in establishing, maintaining and regulating a lock-up house, and such lock-up house shall be deemed to be the lock-up house of each of them.

Joint lock-up houses.

Constable
in charge.

(3) Every lock-up house shall be placed in the charge of a constable appointed for that purpose.

Salary.

(4) The council may provide for and pay the salary or other remuneration of the constable in charge of a lock-up. 1922, c. 72, s. 386.

Payment to
be made to
county when
gaol used
as a lock-up.

393.—(1) If a county town has not a lock-up house, approved by the Inspector of Prisons and Public Charities, the county gaol may be used for the purposes of a lock-up house, and if so used the corporation of the county town shall pay yearly to the county treasurer for the use of the county a reasonable sum for the use of the gaol as a lock-up house, and for the expenses incurred by such use; and, in case of disagreement, the amount to be paid to the county shall be determined by arbitration.

When not
to apply.

(2) This section shall not apply to cities or separated towns. 1922, c. 72, s. 387.

Expense of
keeping
prisoners
in lock-up.

394. The cost of conveying a prisoner to, and of keeping him in a lock-up house, shall be defrayed in the same manner as the expense of conveying a prisoner to and keeping him in a common gaol of the county. 1922, c. 72, s. 388.

Inebriate Asylums.

Institutions
for reclama-
tion of
habitual
drunkards.

395.—(1) The council of a city having a population of not less than 50,000 may:

- (a) Establish, erect and maintain within the city an institution for the reclamation and cure of habitual drunkards;
- (b) Provide that the mayor, police magistrate, or any justice of the peace having jurisdiction in the municipality, may send or commit to such institution an habitual drunkard, with or without hard labour.

Rev. Stat.
c. 355.

(2) Sections 61 to 69 of *The Private Sanitarium Act* shall apply to such institution. 1922, c. 72, s. 389.

PART XIX.

396. By-laws may be passed by the councils of all municipalities:

Amateur Athletic and Aquatic Sports.

Sports.

1. For aiding amateur athletic or aquatic sports.

Bands of Music.

Bands of
music.

2. For aiding the establishment or maintenance of bands of music by any corps of active militia within the county, or any other bands of music.

Bathing Houses.

3. For establishing and maintaining, or for granting money to aid in the construction of public bathing houses.

Public bathing houses.

Census.

4. For taking a census of the inhabitants.

Local census.

Charitable Institutions, etc.

5. For granting aid to any charitable institution or out-of-door relief to the resident poor.

Aid to charities.

Crimes—Discovery of.

6. For offering and paying rewards for the discovery, apprehension and conviction of persons who have or are believed or suspected to have committed flagrant crimes or to have contravened clause (g) of section 146 or to have been guilty of personation as defined by *The Dominion Election Act* or by *The Election Act* within the municipality.

Rewards for apprehension of criminals.

R.S.C. c. 6.
Rev. Stat.
c. 8.*Drainage.*

7. For constructing, maintaining, improving, repairing, widening, altering, diverting and stopping up drains, sewers or water-courses; providing an outlet for a sewer or establishing works or basins for the interception or purification of sewage; making all necessary connections therewith, and acquiring land in or adjacent to the municipality for any of such purposes. 1922, c. 72, s. 398, pars. 1-7.

Construction of drains, sewers, sewage-disposal works, etc.

8. For entering into an agreement with the corporation of any adjoining municipality for the use or interchange of any sewers, sewerage systems or works for the disposal, interception or purification of sewage and for making all necessary connections and acquiring land in or adjacent to the municipality for any of such purposes, and for providing for the payment by one municipality to the other, annually or otherwise, of such sums as may be agreed upon as compensation for any such interchange or use. 1926, c. 52, s. 4.

Agreement with adjoining municipality as to sewers and sewerage systems.

Driving or Riding on Roads and Bridges.

9. For regulating the driving of horses or cattle and the riding of horses on highways and bridges.

Regulating driving on roads and bridges.

10. For prohibiting racing, immoderate or dangerous driving or riding on highways or bridges.

Prohibiting racing on highways.

See section 413, par. 3, as to setting apart streets in cities of 100,000 population for fast driving.

Electors—Submitting Questions to.

Submission
of questions
of general
policy to
electors.

11. For submitting to the vote of the electors of any municipal question not specifically authorized by law to be submitted.

Exhibitions.

Acquiring
land for
agricultural
exhibitions,
etc.

12. For acquiring land within or without the municipality as a place for holding agricultural, horticultural or industrial exhibitions and for erecting and maintaining buildings thereon for that purpose and for the management of the same.

Power to
lease.

13. For leasing for any period not exceeding three years from the making of the lease, any part of the land acquired under paragraph 12, which is not immediately required for the purposes for which it was acquired.

Aid to fat
or live stock
shows.

Fat Stock and Other Shows and Exhibitions.

14. For granting or lending money or granting land in aid of any association, for the holding of a fat stock or live stock show or exhibition or any exhibition for the promotion or improvement of farming in any of its branches or departments.

Ferry Boats and Ferries.

Grants to
ferries.

15. For making an annual grant towards the maintenance and operation of ferry boats or other appliances used at any ferry over a stream or other water separating a part of the municipality from another part of it, or separating it from another municipality in Ontario. 1922, c. 72, s. 398, par. 14.

Fire Brigade—Agreements.

Agreement
between
municipalities
for fire
protection.

16. For entering into an agreement with the council of any other municipality within the county for the use by one or more municipalities within the county of the fire brigade of another municipality within the county, upon such terms and conditions and for such remuneration as may be agreed upon between such municipalities. 1925, c. 59, s. 7.

Flooding—Prevention of.

Works for
prevention
of damage
by flooding.

17. For the purpose of preventing damage to any highway or bridge or to any property within the municipality by floods arising from the overflowing or damming back of a river, stream or creek flowing through or in the neighbourhood of the municipality, for acquiring land in the municipality or in any adjoining or neighbouring municipality, and for constructing such works as may be deemed necessary for that purpose, and for deepening, widening, straightening, or otherwise improving such river, stream or creek in the land so acquired, or removing from it islands, rocks or other natural obstructions to the free flow of the water.

Free Libraries.

18. For granting money or land in aid of any public library established under any Act in the municipality or in an adjacent municipality. Public libraries.

Harbours, Wharves, Beacons, etc.

19. For granting aid for the construction of harbours, wharves, docks, slips and beacons on any river, lake, or navigable water passing in, through, or forming any part of the boundary of the county, on such terms and conditions as to security and otherwise as may be deemed expedient. Aid for construction of harbours, wharves, etc.

20. For making, improving and maintaining public wharves, docks and slips, and for preserving shores, bays, harbours, rivers or waters and the banks thereof. Making, etc., of wharves, docks, etc.

21. For regulating harbours.

Regulating harbours.

22. For prohibiting the injuring, fouling, filling up or encumbering of a public wharf, dock, slip, drain, sewer, water or suction pipe, shore, bay, harbour, river or water. Injuring, filling up, etc., of harbours, wharves.

23. For erecting and maintaining beacons. 1922, c. 72, s. 398, pars. (16-23). Beacons.

24. For erecting, maintaining, operating and renting grain elevators, wharves, piers and docks in harbours, and floating elevators, derricks, cranes and other machinery for loading, discharging or repairing vessels. 1922, c. 72, s. 398, par. 24; 1924, c. 53, s. 8. Erecting docks elevators.

25. For regulating vessels, crafts and rafts arriving in a harbour, and for imposing and collecting such reasonable harbour dues thereon as may serve to keep the harbour in good order, and to pay a harbour master. Vessels, etc. Harbour dues.

26. For requiring the owner or occupant of the land in connection with which the same exist, to remove door-steps, porches, railings, or other erections or obstructions projecting into or over any public wharf, dock, slip, shore, bay, harbour, river or water. 1922, c. 72, s. 398, pars. 25, 26. Removal of doorsteps, railings, projecting over wharf, dock, etc.

Harbours, Wharfs, Waters, etc.—Removal of Obstructions from.

27. For requiring and regulating the removal from any public wharf, dock, slip, drain, sewer, shore, bay, harbour, river or water, of all sunken, grounded or wrecked vessels, barges, crafts, cribs, rafts, logs or other obstructions or encumbrances, by the owner, charterer or person in charge, or any other person who ought to remove the same. 1922, c. 72, s. 400, par. 36. Removal of sunken vessels, etc., from harbours, etc.

Hospitals, etc.

Aiding
erection,
etc., of
hospitals.

28. For granting aid to any incorporated society or any association of individuals for the erection, establishment, maintenance or equipment of public hospitals in any municipality for the treatment of persons suffering from disease or from injuries. 1922, c. 72, s. 398, par. 27; 1923, c. 41, s. 7.

Indigent Persons—Aid of.

Aiding
indigent
persons.

29. For aiding in maintaining any indigent inhabitant, or person found in the municipality, at a house of refuge, hospital or institution for the insane, deaf and dumb or blind, or other public institution of a like character.

Power
to take
security for
advances
made to per-
sons by way
of charity.

- (a) Where money is advanced by way of charity or relief to or expended for the benefit of a person who, although in destitute circumstances, is the owner of or interested in land the retention of which is necessary for a dwelling for him, the corporation may take a conveyance of or a security on such land for the amount advanced or expended, and on the death of such person, or the surrender of the land by him to the corporation, the corporation may sell or dispose of the land and apply the proceeds in payment of the amount so advanced or expended, with interest thereon at the rate of six per centum per annum, and the costs of the sale and the residue of such proceeds, if any, shall be paid to the executors, administrators or assigns of such person on demand. 1922, c. 72, s. 398, par. 28.

War Memorials and Patriotic Objects.

Memorial
windows,
tablets, etc.

30. For erecting and placing memorial windows, monuments and tablets in commemoration of officers and men of the municipality who were on active service during the late war with the naval or military forces of Great Britain or her allies.

Issue of
debentures.

- (a) The municipal corporation may borrow money for said purpose by the issue of debentures payable in not more than ten years from the date of issue, and may levy a special rate in each year on all the rateable property in the municipality sufficient to pay the instalments of principal and the interest falling due in respect of the debentures or to pay the interest and provide for a sinking fund to retire the debentures at their maturity;

Assent of
electors not
required.

- (b) It shall not be necessary to obtain the assent of the electors to any by-law passed under the authority of this section or to observe the formalities in relation thereto prescribed by this Act in respect of other money by-laws. 1922, c. 72, s. 398, par. 28a.

- (c) Any such monument may with the approval of the Municipal Board, on application by the corporation, be erected in any highway not less than 66 feet in width and over which the corporation has jurisdiction. 1924, c. 53, s. 9. Erection of monument in highway.

31. For the establishment of or for granting aid to the establishment of air harbours or landing grounds in compliance with the "Air Regulations, 1920," as issued by the Air Board of the Dominion of Canada and such other regulations as may be issued from time to time by the said Air Board, and for granting aid for aeronautical research work and for the development and general advancement of the science of aeronautics and the use of air craft. 1922, c. 72, s. 398, par. 28b. Establishment of air harbours and landing grounds.

32. For granting aid to any patriotic organization. 1922, c. 72, s. 398, par. 30a. Aid to patriotic organizations.

33. For aiding any regularly organized rifle association or any association or corporation having for its object or one of its objects the promotion of military art, science or literature. Aid to rifle associations and militia.

34. For adding to the sum paid, during the period of annual or other authorized drill or when on active service, to any enlisted member of any corps of Active Militia organized within the municipality. Remuneration.

35. For providing military outfit or equipment for the members of such corps. 1922, c. 72, s. 398, pars. 34-36. Equipment.

War Memorials and Exemptions.

36. For erecting, establishing, equipping and maintaining, or for granting aid for the erection, establishment, equipment and maintenance of a memorial home or club-house for nursing sisters, officers and men who were on active service during the late war with the naval or military forces of Great Britain or her Allies, or of a monument, building or structure or a park in commemoration of officers and men who died while on such active service. Memorial homes, club houses, etc., for soldiers.

- (a) The councils of any two or more municipalities may enter into an agreement for carrying out any of the purposes of this paragraph in any one of them. 1922, c. 72, s. 398a, par. 1. Agreements.

37. For exempting from taxation, except for local improvement and school purposes, for a period not exceeding ten years any memorial home or club-house for nursing sisters, officers and men who were on active service during the late war with the naval, military or air forces of Great Britain and her Allies and the lands used in connection therewith or any athletic grounds owned by or vested in trustees on behalf Exemption from taxation.

of any organization or association of such nursing sisters, officers and men; provided that such buildings and lands shall be exempt only while actually used and occupied for the purposes of a memorial home, club-house or athletic grounds. 1923, c. 41, s. 8.

Allowances
to widows,
children,
etc., of
deceased
soldiers.

38. For granting aid to any fund established for providing allowances to widows, children, widowed mothers, parents, persons acting *in loco parentis* or dependents of nursing sisters, officers and men who resided in the municipality for six months prior to enlistment and who died while on active service during the late war with the naval or military forces of Great Britain or her Allies;

Grants to
soldiers.

39. For making grants to nursing sisters, officers and men who were on such active service and who resided in the municipality for six months prior to enlistment. 1922, c. 72, s. 398a, pars. 3, 4.

Municipal Officers.

Appointing
certain
officers.

40. For appointing such officers and servants as may be necessary for the purposes of the corporation, or for carrying into effect the provisions of any Act of this Legislature or by-law of the council. 1922, c. 72, s. 398, par. 29; 1927, c. 61, s. 37.

Fixing
remuneration,
duties and
security of.

41. For fixing their remuneration and prescribing their duties, and the security to be given for the performance of them.

Ontario Municipal Union.

Membership
in union of
municipali-
ties.

42. For the corporation becoming a member of any union of Ontario municipalities for furthering the interests of municipalities and paying the fees for such membership and making contributions for the expenses of the union, and paying the expenses of delegates to any meeting of it or upon its business.

Canadian Deep Waterways Association.

Membership
in Canadian
Deep
Waterways
and Power
Association.

43. For the corporation becoming a member of the Canadian Deep Waterways and Power Association and paying the fees for such membership and for making contributions towards the expenses of such association and paying the expenses of delegates to any meeting of it or upon its business.

Ontario Safety League.

Grants to
Ontario
Safety
League.

44. For making contributions towards the expenses incurred by the Ontario Safety League in carrying out the purposes for which it was organized.

Public Parks and Drives.

45. For acquiring land for and establishing and laying out public parks, squares, avenues, boulevards and drives in the municipality or in any adjoining local municipality, and where there is no Board of Park Management for exercising all or any of the powers which are by *The Public Parks Act* conferred on Boards of Park Management.

Acquiring
land for
parks, etc.

Rev. Stat.
c. 248.

- (a) A corporation which expropriates land in another municipality, under the powers conferred by this paragraph shall put the land in an efficient state to be used, and open the same to the general public, for the purpose for which it was acquired within a reasonable time after such expropriation, and shall maintain and keep the same in an efficient state of repair and shall provide police protection therefor.

Where land
expropriated
is in an
adjoining
municipality.

46. For accepting and taking charge of land, within or without the municipality, dedicated as a public park for the use of the inhabitants of the municipality.

Accepting
land
dedicated.

Sidewalks, etc.—Vehicles on.

47. For prohibiting carriages, waggons, bicycles, sleighs and other vehicles and conveyances of every description, and whatever the motive power, or any particular kind or class of such vehicles or conveyances being upon, or being used, drawn, hauled or propelled along or upon any sidewalk, pathway or footpath, used by or set apart for the use of pedestrians, and forming part of any highway or bridge, boulevard or other means of public communication, or being in or upon any highway, boulevard, park, park-lot, garden or other place set apart for ornament or embellishment or for public recreation.

Prohibiting
vehicles on
sidewalks,
etc.

Victorian Order of Nurses.

48. For granting aid to the Victorian Order of Nurses.

Aid to Victorian
Order of
Nurses.

Water for Fire Purposes.

49. For contracting for a supply of water within the municipality for fire purposes and other public uses, from hydrants or otherwise as may be deemed advisable; and for renting hydrants for any number of years not, in the first instance, exceeding ten; and for renewing the contract from time to time for periods not exceeding ten years, as the council may deem proper; or for purchasing or erecting hydrants necessary for any of such purposes.

Contracts
for supply
of water.

Watering streets.

Contracts
with street
railway
companies
for street
watering.

50. For contracting with a street railway company for watering any of the highways for any number of years, not exceeding five, and for renewing such contract from time to time for a period not exceeding five years. 1922, c. 72, s. 398, pars. 28b-40.

397. By-laws may be passed by the councils of local municipalities:

Assessments of Factories, etc.—At Fixed Sums.

Fixed
assessment.

1. For fixing the assessment of the property of any person carrying on or proposing to carry on within the municipality any manufacturing business including iron works, rolling mills, works for refining or smelting ores, grain elevators, a beet sugar factory and a tobacco drier on such terms and conditions as the council may deem proper.

Term of—

(a) The fixed assessment shall not be a longer period than ten years, shall not be renewable and shall not apply to or affect taxation for school purposes or local improvements.

Assent of
electors, etc.

(b) The by-law shall not be passed except with the affirmative vote of three-fourths of all the members of the council and the assent of two-thirds of the electors qualified to vote on money by-laws who vote on the by-law.

Who not to
vote on
by-law.

(c) No person to whom, and no person who is interested in or holds shares in a company, and no nominee of a corporation to which a fixed assessment is to be granted shall be entitled to vote on the by-law.

When fixed
assessment
not to be
granted.

(d) No by-law shall be passed granting a fixed assessment in respect of a branch of industry of a similar nature to one established in the municipality unless the person by whom it is carried on consents in writing to the granting of the fixed assessment.

Fixed
assessment
not to be
granted to
industry
established
elsewhere.

(e) No by-law shall be passed granting a fixed assessment in respect of a business established elsewhere in Ontario or which has been removed to the municipality from another municipality in Ontario whether the business is to be carried on by the same person or by a person deriving title or claiming through or under him or otherwise or by such person in partnership with another person or by a joint stock company or otherwise. 1924, c. 56, s. 4.

Bathing in Public Waters.

Bathing.

2. For prohibiting or regulating the bathing or washing of the person in any public water in or near the municipality.

Closet Accommodation for Workmen.

3. For requiring the owners, contractors or master workmen engaged in the erection or construction of buildings or public works to provide for the use of the workmen employed in such erection or construction, closet accommodation, to be approved of by the medical health officer, in connection with them. Conveniences to be provided by builders.

Coal Dealers—Taking of Orders by.

4. For requiring every dealer in coal who takes orders for coal for future delivery, and accepts payment in full or on account of such order, to deliver to the purchaser the coal so ordered within the time or times fixed by the by-law. Fixing time for delivery of goods.

Cows and other Animals—Keeping of.

5. For regulating the keeping of cows, goats, swine and other animals. Keeping of cows and other animals.

6. For prohibiting the keeping of cows, goats, swine or other animals, except horses or mules, within the municipality or within defined areas of it. 1922, c. 72, s. 399, pars. 1-5.

Contagious Diseases.

7. For providing blank forms for recording and reporting cases of contagious or infectious disease; for placarding houses wherein such cases exist, and for taking such measures as may be deemed necessary for preventing the spread of such diseases. 1922, c. 72, s. 399, par. 6. Contagious diseases.

8. For disqualifying from voting an elector whose taxes on land on the day fixed for nomination at the annual election are overdue and unpaid. 1922, c. 72, s. 399, par. 9; 1927, c. 61, s. 38 (2). Disqualifying electors in arrear for taxes.

Drainage of Cellars, Privy Vaults, Etc.

9. For regulating the construction of cellars, sinks, cesspools, water closets, earth closets, privies and privy vaults; for requiring and regulating the manner of the draining, cleaning and clearing and disposing of the contents of them. Construction of cellars, drains, etc.

10. For requiring the use within the municipality or a defined area of it of dry earth closets. Dry earth closets.

11. For providing that the cleaning and disposing of the contents of cesspools, water closets, earth closets, privies and privy vaults shall be done exclusively by the corporation. Expenses of cleaning closets, etc.

(a) For such purpose the corporation, its officers and servants shall have all the powers of the local board of health and its officers and servants. Powers.

Fixed or
graded
fees.

- (b) The council may provide for the expense incurred in such work by imposing in the by-law authorizing the work or in a separate by-law a fixed fee or graded fees varying according to the different kind of premises served, the time involved in service and such other matters as the council may consider applicable, and such fees shall be rated and assessed against the lands in respect of which such services are rendered in the collector's roll of the municipality and collected and recovered in like manner as municipal taxes.

Special rate
according
to assessed
value.

- (c) The council may provide that the collection, removal and disposal by the corporation of the contents of earth closets or other sanitary closets throughout the whole municipality, or in defined areas of it shall be done at the expense of the owners or occupants of the land therein, and for that purpose may impose upon such land a special rate according to its assessed value which shall be collected and recovered in like manner as municipal taxes.

Filling up,
draining, etc.,
grounds,
yards, etc.

12. For requiring and regulating the filling up, draining, cleaning, clearing of any grounds, yards and vacant lots and the altering, relaying or repairing of private drains.

Regulations
for sewer-
age, etc.

13. For making any other regulations for sewerage or drainage that may be deemed necessary for sanitary purposes.

NOTE.—See provisions of *The Public Health Act upon this subject.*)

Egress from Buildings.

Doors of
public build-
ings.
Rev. Stat.
cc. 284, 285,
275.

14. For regulating, subject to the provisions of *The Egress from Public Buildings Act, The Theatres and Cinematographs Act, and The Factory, Shop and Office Building Act*—

- (a) The size and number of doors, aisles, halls and stairs in and other means of egress from hospitals, schools, colleges, churches, theatres, halls, or other buildings used as places of worship, or of public resort, or amusement, or for public meetings, and the street gates leading to them;
- (b) The construction and width of stairways in such buildings, and in factories, warehouses, hotels, boarding and lodging houses;
- (c) The materials of which and the manner in which stairs and stair-railings shall be constructed, and the strength of walls, beams and joists and their supports in all such buildings; and
- (d) For requiring the production of the plans of the buildings mentioned in this paragraph now erected or which it is proposed to erect, and for

prohibiting the use or erection of them until the provisions of the by-law are complied with to the satisfaction of the architect of the corporation or an officer appointed for the purpose.

15. For prohibiting and preventing the obstruction by persons or things of the halls, aisles, passage-ways, alleys or approaches in or leading to any such building during the occupation of it by a public assemblage.

Obstruction
of halls,
aisles, etc.

(a) While any building mentioned in clause (a) of paragraph 14 in a city or town is occupied by a public assemblage, the chief constable or any constable of the city or town may enter it to see that the by-law is not being violated, and may require the removal of any obstruction or of any person standing, sitting, or otherwise occupying any hall, aisle, passage-way, alley or approach, except for passing to and fro.

Powers of
police officers
as to seeing
that by-laws
enforced.

Explosives—Keeping, Manufacturing and Storing of.

16. For regulating the keeping, storing and transporting of—

Regulating,
storing and
transportation
of
explosives.

(a) Dynamite, dualin, nitro-glycerine, or gunpowder;

(b) Petroleum, gasoline or naphtha; and

(c) Other dangerous or combustible, inflammable or explosive substances;

17. For regulating and providing for the support by fees of magazines belonging to private persons for the storage of the substances mentioned in clause (a) of paragraph 16, and for requiring them to be stored in such magazines.

Fees for
support of
magazines.

18. For erecting and maintaining within or without the limits of the municipality magazines for the storage of the substances mentioned in clause (a) of paragraph 16, and for acquiring the land necessary for that purpose, and for requiring such substances to be stored in such magazines.

Erecting
and main-
taining
magazines.

19. For limiting the quantity of the substances mentioned in clause (a) of paragraph 16, which may be kept in any place other than such a magazine, and for regulating the manner in which the same are to be kept or stored.

Limiting
quantity to
be kept.

20. For prohibiting or regulating the establishment within the municipality of factories or other places for the manufacture or storage of any of the substances mentioned in clause (a) of paragraph 16.

Prohibiting
manufac-
ture of
explosives.

21. For requiring the submission of plans of the premises including the buildings upon or in which it is proposed that such manufacture or storage shall take place, and the ap-

Submission
of plans of
premises.

proval of them by the council before the manufacture or storing is commenced.

Height and description of fences around buildings.

22. For requiring such buildings to be surrounded by walls or fences and for regulating the height and description of such walls or fences and their distance from such buildings, and also the distance from any other building, at which such manufacture or storage may be carried on.

Regulating business of manufacturing explosives.

23. For regulating the carrying on of the business of manufacturing or storing such substances, whether the business has been heretofore or shall be hereafter established, and prescribing the precautions to be taken for the prevention of fires and accidents from the combustion or explosion of such substances. 1922, c. 72, s. 399, pars. 10-25.

Licenses for carrying on business.

24. For granting licenses for the carrying on of the business of manufacturing the substances mentioned in paragraph 17 or for storing them in quantities of more than twenty-five pounds, and prescribing the time, not exceeding five years, during which the licenses shall remain in force.

(a) The license fee shall not exceed \$25 a month for every month in which such business shall be carried on. 1922, c. 72, s. 399, par. 26; 1924, c. 53, s. 11.

Prohibiting, etc., storing, of gasoline, etc.

25. For prohibiting or regulating the keeping or storing of gasoline or benzine, and prescribing the materials of which the vessels containing it shall be composed, and the classes of buildings in which it may be stored, or kept for sale, and for making regulations for the prevention of fires and accidents from the combustion or explosion of such substances.

Fences.

Height and kind of fence.

26. For prescribing the height and description of lawful fences.

Along highways.

27. For prescribing the height and description of, and the manner of maintaining, keeping up and laying down fences along highways or parts thereof; and for making compensation for the increased expenses, if any, to persons required so to maintain, keep up or lay down any such fence.

Division fences, apportionment of cost. Rev. Stat. c. 121.

28. For determining how the cost of division fences shall be apportioned; and for providing that any amount so apportioned shall be recoverable under *The Summary Convictions Act*;

Rev. Stat. c. 315.

(a) Until a by-law is passed, *The Line Fences Act* shall apply.

Barbed wire fences.

29. For requiring proper and sufficient protection against injury to persons or animals by fences constructed wholly or partly of barbed wire or any other barbed material to be

provided by the owner of the land; and in towns and cities for prohibiting the erection along the highways of fences made wholly or partly of barbed wire or any other barbed material.

30. For requiring the owners of land to erect and maintain a water gate where a fence crosses an open drain or watercourse. Water gates.

Fire—Prevention of Accidents by.

31. For securing against accident by fire the inmates and employees and others in factories, hotels, boarding-houses, lodging-houses, warehouses, theatres, music halls, opera houses and other buildings used as places of public resort or amusement. Providing against accidents by fire.

Fire Escapes.

32. Subject to the provisions of any other Act requiring fire escapes, for compelling the owners and occupants of buildings more than two storeys in height, except private dwellings, to provide proper fire escapes therefor in such places of such pattern and mode of construction as may be deemed proper; and for prohibiting the occupation of any such buildings unless or until such fire escapes are provided. Compelling use of fire escapes.

Fires in Open Air.

33. For prescribing the times during which fires may be set in the open air, and the precautions to be observed by persons setting out fires. Prescribing times for setting fires and precautions.

Firearms and Fireworks.

34. For prohibiting or regulating the discharge of guns or other firearms; and the firing and setting off of fireballs, squibs, crackers or fireworks. Discharge of firearms, fireworks, etc.

Food.

35. For regulating the delivery and exposure for sale upon a highway or in a market or public place of meat, poultry, game, flesh, fish or fruit, or the carcass of any animal. Regulating the delivery or exposure for sale of meat, etc.

36. For appointing inspectors, and for providing for the inspection of meat, poultry, fish and natural products offered for sale for human food, whether on the streets or in public places, or in shops. Inspection of milk and provisions.

37. For authorizing the seizing and destroying of tainted and unwholesome articles of food. Seizing tainted food.

Food and Fuel.

Power to
buy and sell
fuel and food.

38. With the approval of the Municipal Board and within the limitations and restrictions and under the conditions prescribed by Order of the Board.

- i. For buying and storing fuel and such articles of food as may be designated by order of the Board and for selling the same to dealers and residents of the municipality;
- ii. For acquiring land, erecting buildings, establishing, conducting and maintaining depots, stores, warehouses and yards and purchasing machinery, plant, appliances and equipment necessary for such purposes;
- iii. For appointing officers, clerks and servants to manage and conduct such businesses;
- iv. For making rules and regulations and doing all such other acts and things as may be necessary for the full and proper carrying out of such powers.
- v. For borrowing from time to time by the issue of debentures payable in not more than ten years from the date of issue the money necessary for such purposes.
 - (a) The by-law need not be assented to by the electors, but shall require a vote of two-thirds of all the members of the council.
 - (b) After the by-law has been approved by the Municipal Board it shall also be approved by the Lieutenant-Governor in Council and may then be finally passed by the Council.

Gas Works, Tanneries, Distilleries, etc.

Gas works,
distilleries,
etc.

39. For prohibiting or regulating the erection or continuance of gas works, tanneries, or distilleries or other manufactories or trades which in the opinion of the council may prove to be or may cause nuisances.

Hoists, Scaffolds, etc.

Construction
of hoists,
scaffolding,
etc.

40. For regulating and inspecting the construction and erection of hoists, scaffolding and other apparatus and appliances used in erecting, repairing, altering or improving buildings, chimneys, or other structures; and for making regulations for the protection and safety of workmen and others employed thereon; and for appointing inspectors of scaffolding.

(As to appointment of inspectors under The Buildings Trades Protection Act and as to additional scaffold regulations, see Rev. Stat. c. 274, ss. 2 and 6).

Manufactures and Trades.

41. For regulating manufactures and trades which in the opinion of the council may prove to be or may cause nuisances. Noxious manufactures and trades.

Noises.

42. For prohibiting or regulating the ringing of bells, the blowing of horns, shouting and unusual noises, or noises calculated to disturb the inhabitants. Ringings of bells, etc.

Nuisances.

43. For prohibiting and abating public nuisances.

Nuisances.

44. For prohibiting the hauling of dead horses, offal, night soil or any other offensive matter or thing along any highway during the hours of daylight. Hauling dead horses, etc., through the streets in daylight.

Placards, etc—Indecent.

45. For prohibiting the posting or exhibition of placards, play bills, posters, writings or pictures or the writing of words, or the making of pictures or drawings, which are indecent or may tend to corrupt or demoralize, on any wall or fence or elsewhere on a highway or in a public place. Indecent placards, etc.

Poles, Pipes, Wires, Conduits, etc.

46. For regulating and subject to *The Municipal Franchises Act* and on such terms and conditions as the council may deem expedient for authorizing the erection and maintenance of electric light, power, telegraph and telephone poles and wires and poles and wires for the transmission of electricity across or along any highway or public place, or permitting any person supplying electricity for light, heat or power, to lay down pipes or conduits for enclosing wires for the transmission of electricity under any highway or public place. Laying of poles, wires, pipes or conduits on streets. Rev. Stat. c. 240.

(a) A by-law shall not be passed under this paragraph in violation of any agreement of the corporation.

47. Subject to *The Power Commission Act* for constructing or laying down pipes or conduits for enclosing wires for the transmission of electricity under, or for erecting towers or poles for the support of wires for such purpose across or along any highway or public place, and for entering into agreements with electric light or power, telegraph or telephone companies for the use by them of such pipes, conduits or poles, for such consideration and on such terms and conditions as may be agreed upon. Laying pipes or conduits for electric wires. Rev. Stat. c. 57.

Pounds, etc.

Providing
pounds.

48. For providing sufficient yards and enclosures for the safe keeping of such animals as it may be the duty of the pound-keeper to impound.

Animals
running
at large.

49. For prohibiting or regulating the running at large or trespassing of animals, other than dogs, and for providing for impounding them and for causing them to be sold, if they are not claimed within a reasonable time, or if the damages, fines and expenses are not paid according to law.

Appraising
the damages.

50. For appraising the damages to be paid by the owners of animals impounded for trespassing, contrary to law or the by-laws of the municipality.

Compensation
for impound-
ing animals.

51. For determining the compensation to be allowed for services rendered in carrying out the provisions of any Act, with respect to animals impounded or distrained and detained in the possession of the distrainer.

(a) Any by-law passed by the council of any town, village or township under the provisions of paragraphs 48 to 51 shall apply to any county highway or part thereof situate within such town, village or township. 1925, c. 59, s. 9.

(NOTE—For further provisions as to pounds see *R.S.O. c. 301.*)

Sewers—Extension of.

Extension
of sewers
into adjoin-
ing municipi-
ality.

52. Where a local municipality is so situate that it is necessary, in order to procure an outlet for a sewer or to connect it with a sewage farm, to extend it into or through an adjacent municipality, for so extending it, or for extending and connecting it with any existing sewer of such adjacent municipality, upon such terms and conditions as may be agreed upon, or in case of failure to agree, as may be determined by arbitration.

Arbitrators
to determine
conditions
on which
connections
may be made.

(a) Where the council of the adjacent municipality objects to allow such extension or connection, the arbitrators shall determine not only the terms and conditions upon which the extension or connection is to be made, but also the location of the sewage farm, filtering plant or artificial means of sewage disposal which is contemplated, and whether the extension or connection should be allowed to be made.

(b) Nothing in this paragraph shall authorize the making of an open drain or sewer, or affect the provisions of *The Ditches and Watercourses Act*, or limit any of the powers conferred on townships by that Act. 1922, c. 72, s. 399, pars. 27-56.

Sewer Rents.

53. For charging all persons who own or occupy land drained, or which by by-law of the council is required to be drained, into a common sewer, a reasonable rent for the use of it; for regulating the time and manner in which the rent is to be paid; for providing for the payment of a commutation of such rent or charging a gross sum in lieu of rent and for the payment of such commutation or gross sum either in cash or by instalments with interest. Sewer rents.

(a) This paragraph shall not apply to a sewer constructed as a local improvement.

(b) All sewer rents shall form a lien and charge upon the real estate upon or in respect of which the same have been assessed and rated or charged and shall be collected in the same manner and with the like remedies as ordinary taxes on real estate are collected under the provisions of *The Assessment Act*. 1925, c. 59, s. 10. Sewer rents, a charge on land. Rev. Stat. c. 238.

Signs, Etc.

54. For prohibiting or regulating the erection of signs or other advertising devices, and the posting of notices on buildings or vacant lots within any defined area or areas or on land abutting on any defined highway or part of a highway. Posters.

55. For prohibiting the pulling down or defacing of signs or other advertising devices and notices lawfully affixed. Pulling down of signs and notices.

Slaughter Houses.

56. For prohibiting or regulating and inspecting the erection or continuance of slaughter houses, and for prohibiting the slaughter of animals intended for food, except in slaughter houses designated in the by-law. Prohibiting and regulating.

(a) In towns, villages and townships this paragraph shall not apply to the slaughter of animals for the use of the person killing them or of his family.

Snow and Ice—Removal of.

57. For requiring the occupants of buildings adjoining a highway in the municipality or in any defined area of it to clear away and remove the snow and ice from the roofs of such buildings and from the sidewalks adjoining their premises, and for regulating the times when and the manner in which the same shall be done. Clearing away snow and ice from roofs and sidewalks.

58. For clearing away and removing snow and ice from the roofs of unoccupied buildings adjoining a highway and from the sidewalks adjoining the premises and adjoining land. Case of unoccupied buildings and vacant land.

vacant land in the municipality or in any defined area of it at the expense of the owner, and for collecting or recovering the expenses incurred in so doing in the manner provided by section 512.

Sparring Exhibitions, etc.

Sparring
exhibition
and boxing
matches.

59. For prohibiting sparring exhibitions and boxing matches, where an admission fee is charged, without the written permission of the chief constable in a city or town, or of the reeve in townships and villages.

Steam Transmission.

Transmit-
ting steam
under
highways.

60. For authorizing any person supplying steam for heat or power to lay down pipes or conduits for transmitting steam under the highways or public squares, on such terms and conditions as the council may deem expedient.

(a) A by-law shall not be passed under the authority of this paragraph in violation of any agreement of the corporation.

Watercourses and Drains—Obstruction of.

Obstruction
of drains.

61. For prohibiting the obstruction of any drain or watercourse, and for permitting and regulating the size and mode of construction of culverts and bridges which cross any drain or watercourse situate on a public highway.

Water Closets, Privy Vaults, etc.—Filling up.

Closing and
filling up
cesspools,
etc.

62. For requiring owners, lessees and occupants of land in the municipality or any defined area of it to close or fill up water closets, privies, privy vaults, wells or cess-pools, the continuance of which may, in the opinion of the council or the medical health officer, be dangerous to health.

Coasting and Tobogganing.

Coasting and
tobogganing.

63. For prohibiting or regulating coasting or tobogganing on the highways.

Spitting on sidewalks, etc.

Spitting on
sidewalks,
in public
buildings,
etc.

64. For prohibiting spitting on sidewalks and pavements, and in the passages and stairways of and entrances to public buildings, and in buildings, halls, rooms and places to which the public resort, in street cars and public conveyances and in such other public places as may be designated in the by-law. 1922, c. 72, s. 399, pars. 57-74.

398. By-laws may be passed by the councils of urban municipalities and of townships abutting on an urban municipality.

Establishing Restricted Districts or Zones.

1. For prohibiting the use of land or the erection or use of buildings within any defined area or areas or abutting on any defined highway or part of a highway except for such purposes as may be set out in the by-law. 1922, c. 72, s. 399a, par. 1; 1924, c. 53, s. 12. Restrictions on buildings in defined areas.

2. For regulating the height, bulk, spacing and character of buildings to be erected or altered within any defined area or areas or abutting on any defined highway or part of a highway, and the proportion of the area of the lot which such building may occupy. 1922, c. 72, s. 399a, par. 2, part. 1926, c. 52, s. 5 (1). Regulating height, bulk, etc., of buildings.

(a) No by-law passed under this section shall apply to any land or buildings which on the day the by-law is passed, is erected or used for any purpose prohibited by the by-law so long as it continues to be used for that purpose, nor shall it apply to any building the plans for which have been approved by the city architect prior to the date of the passing of the by-law, so long as when erected it is used for the purpose for which it was erected. Exception as to buildings erected when by-law passed.

(b) No by-law passed under this section shall come into force or be repealed or amended without the approval of the Municipal Board; but such approval may be given, as to the whole or any part of an area or highway affected, if it is shown to the satisfaction of the Board that it is proper and expedient in view of: Approval of Board.

(i) The purpose for which the original by-law was passed and the nature and class of occupancy and use of the land within the area or abutting on the highway at the time the by-law was passed;

(ii) Any change which may since have taken place affecting its suitability for such occupancy or use; and

(iii) The desirability of the proposed repeal or amendment in the interests of the owners of the land in the district affected and the of the community as a whole. 1922, c. 72, s. 399a, par. 2, cls. (a, b).

(c) The council shall notify all owners whose property is affected by any by-law passed under this paragraph of its intended application to the Municipal Notice to owners.

Board for its approval of the said by-law. Such notice shall be sent by prepaid registered letter at least ten clear days before the date fixed by the said board for hearing the application to all such owners, affected by the said by-law, whose names appear on the last revised assessment roll of the municipality. 1926, c. 54, s. 5 (2).

399. By-laws may be passed by the Councils of urban municipalities:

Bathing and Boat-Houses—Inspection of.

Inspection
of bathing
and boat
houses.

1. For inspecting public bathing-houses and boat-houses or premises wholly or partly used for boat-house purposes.

Borrowing Money for Certain Purposes Without Assent of Electors.

Borrowing
money for
extension
of water,
gas, electric
light works,
etc.

2. Where the corporation of an urban municipality has heretofore constructed, purchased or acquired, or hereafter constructs, purchases or acquires gas, electric light, power or water works or works for the development of a water power for generating, or works for producing, transmitting or distributing electrical power or energy or sewerage works or works for the interception, purification or disposal of sewage, at the expense of the corporation at large, or where any such corporation has undertaken the construction, purchase or acquisition of any such works and it appears that the cost of such construction, purchase or acquisition has exceeded or will exceed the amount already provided for that purpose,—for borrowing such further sums as may be necessary to extend, improve or complete such works or the purchase or acquisition of the same or to meet the cost of extensions or improvements already made to such works. 1922, c. 72, s. 400, par. 3; 1926, c. 52, s. 6 (1).

When assent
of electors
not required.

(a) The by-law shall not require the assent of the electors if it is passed by a vote of three-fourths of all the members of the council and is approved by the Municipal Board. 1922, c. 72, s. 400, par. 3 (a).

Approval of
board, condi-
tions prece-
dent to.

(b) Such approval may be given if it is shown to the satisfaction of the Board that the expenditure proposed to be made for such extension or improvement or for the completion of such works or such purchase or acquisition is necessary, and that a sufficient additional revenue will be derived therefrom to meet the annual payments in respect of such debt and the interest thereon or in the case of the extension or improvement of waterworks or works for producing, receiving, transmitting or distributing electrical power or

energy where it is made to appear to the said board that the net revenue derived from such waterworks or works for producing, receiving, transmitting or distributing electrical power or energy justifies the construction of such extension or improvement or in the case of the extension or improvement of sewerage works or works for the interception, purification or disposal of sewage, that such extension or improvement is approved of by the Department of Health. 1922, c. 72, s. 400, par. 2, cl. (b) ; 1924, c. 53, s. 13.

- (c) This paragraph shall not apply to works required by the Department of Health to be established, improved, extended, enlarged, altered or renewed or replaced. 1922, c. 72, s. 399a, par. 2, cl. (c).
- (d) This paragraph shall apply to a municipal street railway system in the same manner and to the same extent as it applies to waterworks. 1924, c. 53, s. 14.
- (e) This paragraph shall apply to any urban municipality operating any such works under the authority of a special Act, and any provision in such special Act requiring the assent of the electors shall not apply to the borrowing of money for the purposes of this paragraph. 1926, c. 52, s. 6 (2).

Buildings—Heating.

3. For regulating, controlling, and inspecting the installation of all hot water and steam heating plants. 1922, c. 72, s. 400, par. 3a. Regulation,
etc., of
heating
plants.

Buildings—Strength of Walls, Beams, etc.

4. For regulating the size and strength of brick, stone, cement and concrete walls, and of the beams, joists, rafters, roofs and their supports of all buildings to be erected, altered or repaired, and for requiring the production of the plans of all buildings, and for charging fees for the inspection and approval of such plans, and fixing the amount of the fees and for the issuing of a permit certifying to such approval without which permit no building or structure may be erected, altered or repaired. 1922, c. 72, s. 400, par. 4; 1925, c. 59, s. 11. Size and
strength of
walls, etc.,
and produc-
tion of plans.

(See also paragraph 18, et seq.)

Buildings—Removing or Wrecking.

5. For regulating the removing or wrecking of buildings, and the spraying thereof during such work so as to prevent dust or rubbish arising therefrom. 5 Geo. V. c. 34, s. 24. Regulating
removal
and wreck-
ing of
buildings.

Requiring
changes
in structure
of buildings.

6. For requiring the owner or occupant of any building to make such changes in its structure and to strengthen its walls, supports and floors as may be required by the Architect or other officer named in the by-law when, in the opinion of the Architect or such officer, the building is being used for any purpose for which it is structurally unsuited or which renders it dangerous; and requiring a permit from the Architect or such other officer for such use after such changes have been made as he may direct; and prohibiting the use of any building which in the opinion of the Architect or other officer is dangerous, without his sanction and approval. 1927, c. 61, s. 39 (2).

Cab Stands and Booths.

Stands for
vehicles.

7. For authorizing and assigning stands on the highways and in public places for motor vehicles not kept for hire, and for motor vehicles and other vehicles kept for hire, and regulating the use of the said stands, and for authorizing the erection and maintenance of covered stands or booths on the highways and in public places for the protection or shelter of the drivers of such motor vehicles and other vehicles kept for hire; but no such covered stand or booth shall be placed upon the sidewalk without the consent of the owner and occupant of the adjoining land.

Cellars—Plans of.

Ascertaining
levels
of cellars, etc.

8. For requiring owners and occupants to furnish the council with the levels, with reference to a line fixed by by-law, of their cellars heretofore or hereafter dug or constructed, and for taking such other means as may be deemed necessary for ascertaining such levels.

Compelling
the furnishing
of ground
or block plan
of buildings
to be erected.

9. For requiring to be deposited with an officer named in the by-law, before the erection of a building is commenced, a ground or block plan of the building, with the levels of the cellars and basements, with reference to a line fixed by by-law.

Children Riding behind Vehicles.

Prohibiting
children
from riding
behind
waggon, etc.

10. For prohibiting children from riding on the platforms of cars, or riding behind or getting on waggon, sleighs or other vehicles while in motion, and for preventing accidents arising from such causes. 1922, c. 72, s. 400, pars. 4a-8.

Drainage Purposes—Acquiring Land in Another Municipality for.

Acquiring
land in an-
other muni-
cipality for
drainage
purposes.

11. For acquiring, with the consent of the council thereof, land in any other municipality required for preventing such urban municipality or any part of it from being flooded by surface or other water flowing from such other municipality or for an outlet for such water; and for constructing, maintaining and improving drains, sewers and watercourses in the land so acquired.

Drill Sheds and Armouries.

12. For acquiring land in the municipality for a drill shed or armoury for any militia or volunteer corps having its headquarters in the municipality. Site for drill shed or armoury.

Elevators, Hoists, etc.

13. Subject to *The Factory, Shop and Office Building Act* and any other Act relating to cranes, elevators and hoists, for regulating the construction of and for inspecting cranes, hoists and elevators, and for regulating the manner in which elevators and hoists which are to be operated automatically or otherwise in buildings, shall be constructed and operated, and for licensing elevators and hoists used by the public or by employees. Erection of hoists and elevators. Rev. Stat. c. 275.

Fire Engines, etc.—Right of Way on Highways.

14. For providing that the reels, engines and vehicles of the Fire Department shall have the right of way on the streets and highways while proceeding to a fire or answering a fire alarm call. Right of way on streets for fire reels.

Firemen, etc.

15. For appointing fire wardens, fire engineers and firemen and for promoting, establishing, and regulating fire, hook-and-ladder, and property saving companies. 1922, c. 72, s. 400, pars. 10-14. Establishing fire companies, etc.

Fire Engines, Etc.

16. For purchasing fire engines and for purchasing and installing apparatus and appliances for fire protection at a cost not exceeding \$20,000 and for the issue of debentures therefor payable in equal annual instalments of principal and interest during a period not exceeding ten years. Purchase of fire engines, apparatus.

- (a) It shall not be necessary to obtain the assent of the electors to the by-law if it is passed by a vote of two-thirds of all the members of the council. 1924, c. 53, s. 16.

(NOTE.—See section 415, par. 2.)

Firemen, etc.—Medals, Rewards and Gratuities to.

17. For providing medals or rewards for persons who distinguish themselves at fires; and for granting gratuities to the members of the fire brigade who have become incapacitated for service on account of injuries or ill-health caused by accident or exposure at fires, or from old age or inability to perform their duties, and for granting pecuniary aid or other assistance to the widows and children of persons killed at fires. Rewards to firemen and persons distinguishing themselves at fires.

by accident while in the discharge of their duties at fires, or who die from injuries received or from illness contracted while in the service of the corporation as firemen.

Fires—Prevention of.

Erection
of buildings,
etc.

18. For regulating the construction, alteration or repairs of buildings.

Wooden
buildings.

19. For prohibiting the erection of wooden buildings or wooden additions, and of wooden fences, or the removal of any such building or fence from one place to another in defined areas of the municipality. 1922, c. 72, s. 400, pars. 15-17.

Kind of
walls.

20. For prohibiting the erection or placing within defined areas of buildings or additions to them with external and party walls other than of brick, portland cement, concrete, steel, stone, tile, terra-cotta or other incombustible material or of one or more of such materials or other than partly of one or more of such materials and partly of other materials as the by-law may prescribe and also prohibiting roofing of other than incombustible material, provided, however, that such by-laws may allow, in defined areas, buildings for prescribed purposes to be erected or placed not exceeding a prescribed size or height having walls of other than said materials or partly of one or more thereof and partly of other materials as the by-law may provide, with roofing of such materials as the council may determine according to the intended use of such buildings, and such by-laws may prohibit the erection or placing of more than the prescribed number of such buildings on any one lot or parcel of land. 1924, c. 53, s. 17.

(a) "Incombustible material" as applied to roofing in this paragraph shall mean the material prescribed by the by-law with reference to each defined area. 1925, c. 59, s. 12.

Repairs to
existing
buildings.

21. For regulating the repairing or alteration of roofs or the external walls of existing buildings within such areas, so that the buildings may be as nearly as practicable fire-proof.

Pulling
down, etc.,
buildings
illegally
erected.

22. For authorizing the pulling down or removal, at the expense of the owner, of any building or erection constructed, altered, repaired or placed in contravention of the by-law.

Pulling
down build-
ings in
ruinous
state.

23. For authorizing the pulling down or repairing or renewing, at the expense of the owner, of any building, fence, scaffolding or erection, which, by reason of its ruinous or dilapidated state, faulty construction or otherwise is in an unsafe condition as regards danger from fire or risk of accident.

24. For prohibiting or regulating the use of fire or lights in factories, stables, cabinet makers' shops, carpenters' shops, paint shops, dye and cleaning works, and places where their use may cause or promote fire. Fire in stables, etc.

25. For prohibiting or regulating the carrying on of manufactures or trades which may be deemed dangerous in causing or spreading fire. Dangerous manufactures.

26. For regulating and inspecting wires and other apparatus placed or used for the transmission of electricity for any purpose in or along any highway or on or in any building, and for requiring any such wire or other apparatus which is deemed unsafe or dangerous to be removed or repaired at the expense of the person to whom it belongs or who is using it. Inspecting and regulating electric wires, etc.

27. For regulating the construction of chimneys, flues, fireplaces, stoves, ovens, boilers or other apparatus or things which may be dangerous in causing or promoting fire, and for removing at the expense of the owner any of them constructed in contravention of the by-law. Construction of chimneys, fireplaces, etc.

28. For regulating the construction as to dimensions and otherwise, and for enforcing the proper cleaning of chimneys. Dimensions and cleaning of chimneys.

29. For regulating the mode of removal and safe keeping of ashes. Removal of ashes.

30. For regulating and enforcing the erection of party walls. Erection of party walls.

31. For requiring the owners and occupants of buildings to have scuttles in the roof, with approaches, or stairs or ladders leading to the roof. Scuttles, ladders, etc., to houses.

32. For requiring buildings and yards to be put in a safe condition to guard against fire or other dangerous risk or accident. Guarding buildings against fire.

33. For requiring each inhabitant to provide as many fire buckets, in such manner and at such time as may be prescribed; and for regulating the inspection of them and their use at fires. Fire buckets.

34. For authorizing appointed officers to enter at all reasonable times upon any property, in order to ascertain whether the provisions of the by-law are obeyed, and to enforce or carry into effect the same. Inspection of premises.

35. For suppressing fires, and for pulling down or demolishing buildings or other erections when deemed necessary to prevent the spread of fire. Preventing spreading of fire.

36. For regulating the conduct and enforcing the assistance of persons present, and for the preservation of property at fires. Enforcing assistance at fires.

Regulations.

37. For making such other regulations for preventing fires and the spread of fires as the council may deem necessary.

Milk and Bread Tickets, etc.

Milk and bread tickets.

38. For regulating the use of tickets, checks or coupons by vendors of or dealers in milk, bread, or other articles of food.

Naming and Surveying Streets.

Marking the boundaries of and naming streets, etc.

39. To provide for surveying, settling and marking the boundary lines of highways and giving names to them or changing their names, and for affixing the names at the corners thereof, on public or private property:

Proceedings for changing names of streets.

- (a) A by-law for changing the name of a highway shall not have any force or effect unless passed by a vote of at least three-fourths of all the members of the council, or until a copy of it certified under the hand of the clerk and the seal of the corporation has been registered in the registry office of the proper registry division.
- (b) A by-law for changing the name of a highway in a city or town shall state the reason for the change, and shall not be finally passed until it has been approved by a judge of the county or district court of the county or district in which the municipality is situate.
- (c) The judge, on the application of the council, shall appoint a day, hour and place for considering the by-law, and for hearing those advocating and opposing the change.
- (d) A copy of the by-law and of the appointment shall be served on the registrar of the registry division in which the municipality is situate at least two weeks before the time appointed, and a notice of the application in such form as the judge may approve shall be published once in the *Ontario Gazette* at least two weeks before the time so appointed, and at least once a week for four successive weeks in such other newspaper or newspapers as the judge may direct.
- (e) If the judge approves of the change he shall so certify, and his certificate shall be registered with the by-law, and the change shall take effect from the date of the registration.

Numbering Houses and Lots.

Numbering houses, etc.

40. For numbering the buildings and lots along the highways and for affixing numbers to the buildings, and for charg-

ing the owner or occupant with the expense incident to the numbering of his building or lot.

- (a) Such expense may be collected in the same manner as taxes, and if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner.

Numbers and Record of Streets.

41. For keeping, and every such council shall keep, a record of the highways and of the numbers of the buildings and lots, and for entering therein, and every such council is hereby required to enter therein, a division of the streets with boundaries and distances for public inspection. a Record of streets, numbers, etc.

Pits and Quarries.

42. For prohibiting the making of pits and quarries in the municipality or regulating the location of them. Pits and quarries.

- (a) The making or locating of a pit or quarry in contravention of the by-law in addition to any other remedy may be restrained by action at the instance of the corporation.

Runners.

43. For prohibiting persons from importuning on a highway or in a public place others to travel in or employ any vessel or vehicle, or to go to any hotel or boarding house, or for regulating persons so employed. 1922, c. 72, s. 400, pars. 19-42. Importuning travellers.

Sidewalks—Horses and Cattle upon.

44. For prohibiting the leading, riding or driving of horses or cattle upon sidewalks or in other places not proper therefor. Driving, etc., upon sidewalks.

Smoke Prevention.

45. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in, or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at any other point than the opening to the atmosphere of the flue, stack or chimney. Smoke prevention.

- (a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining, or smelting of ores or minerals or the manufacture of cement, brick or tiles or to dwelling houses except apartment houses.

- (b) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of such by-law and such notice may be given by publication of the by-law in the *Ontario Gazette* and in a daily newspaper published in the municipality for four successive weeks.

Stables, etc.

Location
of stables,
garages, etc.

46. For regulating the location, erection and use of stables, garages, barns, outhouses and manure pits.

Traffic on Highways, etc., Driving of Cattle, etc.

Regulating
traffic.
Rev. Stat.
c. 251.

47. Subject to the provisions of *The Highway Traffic Act* for regulating traffic in the highways; and for prohibiting heavy traffic and the use of traction engines and the driving of cattle, sheep, pigs and other animals during the whole or any part of the day or night in certain highways and public places named in the by-law, and for prohibiting traffic in any but one direction in highways which in the opinion of the council are too narrow for the passing of one vehicle by another or in which in the opinion of the council, it is desirable that traffic should be limited to one direction. 1922, c. 72, s. 400, par. 49; 1924, c. 53, s. 18; 1927, c. 61, s. 39 (3).

(NOTE.—See sec. 431 (4) as to Power of Police Commissioners.)

Safety zones.

48. For setting aside and designating in a suitable visible manner, on any highway upon which street cars are operated, any part or parts as a "safety zone" and for prohibiting motor or other vehicles from driving over or upon any such safety zone while any pedestrian is thereon or about to enter thereon.

Watchmen.

Appointment
of night-
watchmen.

Special rate
for
expenses.

49. For employing and paying one or more watchmen to patrol at night, or between certain hours of the night, any highway or part of a highway, to be defined by the by-law and to guard and protect property; and for levying and collecting in the same manner and at the same time as taxes are levied and collected, by special rate, according to its assessed value, upon the land abutting on such highway or part of a highway within the limits defined by the by-law, except vacant lots, the expenses of or incidental to the employment of such night-watchmen.

Petition by
ratepayers.

- (a) The by-law shall not be passed except upon petition of two-thirds of the assessed owners and tenants of the land liable to be charged with the expenses, representing at least two-thirds of the assessed value of such land.

- (b) A petition shall not be acted on unless the signatures to it, and the contents of it were made known to each person before signature, are proved by affidavit. Proof of signatures.
- (c) As between the landlord and tenant, in the absence of any express agreement to the contrary, the tenant shall be liable for the expenses for the period of his occupation. Liability of tenant.
- (d) When land is occupied by a tenant the owner shall not be entitled to petition. When owner not to petition.

Vacant Lots—Enclosure of.

50. For requiring vacant lots to be property enclosed. Vacant lots.

Water Tanks and Towers.

51. For regulating the construction, erection, alteration or repairing of water tanks and water towers whether on buildings or elsewhere, and for prohibiting the construction, erection, altering or repairing of same contrary to such regulations. 1922, c. 72, s. 400, pars. 49a-52. Water tanks and towers.

Markets, etc.

400. Subject to the next succeeding section by-laws may be passed by the councils of urban municipalities and of townships bordering on a city having a population of not less than 100,000. 1922, c. 72, s. 401, *part*; 1927, c. 61, s. 40 (2). Market by-laws.

1. For establishing, maintaining and regulating markets. Establishing markets.
2. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, vegetables, grain, hay, fruit, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise. Regulating vending in streets, etc.
3. For regulating the place and manner of selling and weighing grain, meat, vegetables, fish, hay, straw, and other fodder, wood, lumber, shingles, farm produce, smallwares and all other articles exposed for sale, and prescribing the fees to be paid therefor. Sale of grain, meat, farm produce, small-ware etc.
4. For prohibiting criers and vendors of smallwares from practising their calling in the market place, or on the highways, or on vacant lots adjacent to the market place or to a highway. Criers and vendors of smallwares.
5. For prohibiting the forestalling, regrating or monopoly, of grain, wood, meat, fish, fruit, roots, vegetables, poultry, dairy products, eggs and all articles for family use, which are usually sold in the market, and for prohibiting or regulating Prohibiting forestalling, etc.

- the purchase of such things by hucksters, grocers, butchers, runners or wholesalers, or by persons who directly or indirectly purchase or acquire them for re-sale.
- Hucksters, etc.
- Proviso. (a) Farmers and other producers may nevertheless sell such things at stores and shops at any time.
- Measuring, etc., certain articles. 6. For regulating the measuring or weighing of lime, shingles, laths, cordwood, coal and other fuel.
- Regulating vehicles used in market vending. 7. For regulating vehicles, vessels, and other things in which anything is exposed for sale or marketed and for imposing a reasonable duty thereon, and establishing the mode in which it shall be paid.
- Sale of meat distrained. 8. For selling, after six hours' notice, butchers' meat distrained for rent of a market stall.
- Purchasing weighing machines, etc. 9. For purchasing, leasing, erecting, maintaining and operating weighing machines and weigh-houses, for appointing weighmasters and for prescribing their duties.
- Fees. 10. For imposing, levying and collecting fees for the use of such weighing machines, not being contrary to the limitations prescribed by subsection 8 of section 401.
- Weighing of coal and coke. 11. With the approval of the Municipal Board and within the limitations and restrictions, and under the conditions prescribed by Order of the Board for requiring all persons who shall, after a sale thereof, deliver coal or coke within the municipality, by a vehicle, from any coal yard, storehouse, coal-chute, gas house or other place, to have the weight of such vehicle and of such coal or coke ascertained prior to delivery, by a weighing machine established as provided by paragraph 9, to furnish the weighmaster in charge of such weighing machine, with and to surrender to each purchaser, at the time of delivery, a weigh-ticket, upon which has been printed or written the name and address of the vendor, and the name of the purchaser, and to have such weigh-ticket dated and signed by such weighmaster, and to have him enter thereon the weight of such coal or coke.
- Vendor bound (a) Every vendor of coal or coke with respect to which a weigh-ticket has been issued shall be bound thereby, and shall not be entitled to demand, collect or recover from the purchaser the price of any greater quantity of coal or coke than that shown on such weigh-ticket.
- Penalty. (b) Every such vendor, who demands, collects or receives from a purchaser the price of any greater quantity of coal or coke than that shown on such weigh-ticket shall be guilty of an offence, and shall incur a penalty not exceeding \$20.

- (c) Nothing in this paragraph shall authorize a municipality to require the weighing of coal or coke sold in car lots at shippers' weights. Car lots.

12. For requiring all persons offering, or exposing cordwood or firewood for sale upon the market, loaded in or upon any vehicle: Measurement of wood sold on market.

- (i) To have such wood measured by a market inspector or by some other official of the municipality appointed for that purpose, who shall mark such measurement in a conspicuous place upon the load or vehicle, before the wood is offered for sale;
- (ii) To procure from such inspector or official a measurement ticket signed and dated by him, upon which he has entered the quantity of cordwood or firewood loaded in or upon such vehicle, and the name and address of the vendor;
- (iii) To surrender such measurement ticket to the purchaser at or before the time of delivery;
- (iv) To pay such fee for measuring as may be imposed, not exceeding that prescribed by subsection 8 of section 401.

13. For requiring all persons who shall, after a sale thereof, except upon the market, deliver cordwood or firewood within the municipality, by a vehicle, to surrender to the purchaser thereof, when making delivery, a ticket signed by, or on behalf of, such person, upon which shall be legibly written or printed his name and address, the quantity of wood delivered from such vehicle, expressed in terms of a cord of 128 cubic feet, and the price at which the same has been sold. Measurement of wood sold off market.

- (a) No by-law shall require kindling wood, mill waste, or mill cuttings to be measured. 1922, c. 72, s. 401; 1927, c. 61, s. 40. Kindling, etc.

401.—(1) No market fee shall be imposed, levied or collected, in respect of wheat, barley, rye, corn, oats, or any other grain, hay or other seed, wool, lumber, lath, shingles, cordwood or other firewood, dressed hogs, cheese, hay, straw or other fodder, brought to market, or upon the market place, for sale or other disposal. No market fees to be imposed on certain products.

(2) No market fee shall be imposed, levied or collected in respect of butter, eggs, poultry, honey, celery, small fruits or other articles in hand baskets, brought to market, or upon the market place, for sale or other disposal, unless a convenient and fit place affording shelter in summer, and shelter and reasonable protection from the cold in winter, in which to expose them for sale is provided by the corporation. When fees may be charged on butter, etc., brought to market.

Fees not to be charged on articles delivered in pursuance of prior contract.

(3) Where the vendor of an article brought within the municipality in pursuance of a prior contract for the sale of it proceeds directly to the place of delivery, without hawking it upon the highways or elsewhere in the municipality, no market fee shall be imposed, levied, or collected in respect of it.

nor on articles brought into municipality after 10 a.m.

(4) No market fee shall be imposed, levied or collected in respect of any article brought into the municipality after ten o'clock in the forenoon, unless it is offered or exposed for sale upon the market place.

When articles need not be weighed or measured.

(5) No by-law shall require hay, straw or other fodder to be weighed, where neither the vendor nor the purchaser desires to have it weighed or measured.

Time after which attendance on market not required.

(6) A person who has exposed or offered for sale an article in the market place and has paid the prescribed fee, if any, in respect of it may, after nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon, between the 1st day of November and the 1st day of April, sell such article elsewhere than in the market place.

Scale of market fees.

(7) No market fee may be imposed, levied or collected, higher than those contained in the following scale:—

On a motor vehicle or a vehicle drawn by more than one horse or other animal in which articles are brought to the market place..... 10 cents

If the vehicle is drawn by one horse or other animal 5 cents

Upon a vehicle propelled or drawn by hand or a basket or vessel in which articles are brought to the market place 2 cents

Upon the person bringing articles to the market place by hand and not in a vehicle, basket or vessel 2 cents

Upon live stock brought to the market place for sale:—

A horse, mare, or gelding10 cents

A head of horned cattle 5 cents

A sheep, calf, or swine 2 cents

(8) No fees may be imposed, levied or collected for weighing or measuring greater than those contained in the following scale:—

For weighing a load of hay 25 cents

For weighing slaughtered meat, or grain or other articles exposed for sale, if weighing less than one hundred pounds 2 cents

If weighing more than one hundred and less than one thousand pounds 5 cents

If weighing more than one thousand pounds.....10 cents

For weighing live animals other than pigs, sheep or calves—

Per head when only one weighed10 cents

For each additional animal weighed at the same time 5 cents

For weighing sheep, pigs or calves—

One or two10 cents

Three, four or five15 cents

Six or seven20 cents

Eight, nine or ten25 cents

For each additional animal above ten 2 cents

For measuring a load of wood10 cents

(9) Subsection 1, shall not apply to a municipality in which there is in force a by-law providing that vendors of articles in respect of which under the provisions of paragraph 3 of section 400, a market fee may be imposed, may, without paying market fees, offer for sale and sell or otherwise dispose of such articles, at any place within the municipality, excepting only at the market place.

Subsection 1 not to apply where by-law in force allowing sale without fee except at the market;

(10) Subject to subsection 2, the council of a municipality to which subsection 9 applies, may by by-law provide for imposing, levying and collecting market fees from such vendors who voluntarily use the market place for selling such articles or from any person who or whose vehicle remains upon that part of a highway which is within 100 yards of the market place, for the purpose of selling any of such articles other than grain, seeds, dressed hogs or wool upon such highway, but driving through or across such part of a highway shall not authorize the imposition of any

but such by-law may impose fees on persons voluntarily using market; and on others selling within 100 yards of market.

Exception
as to sales
to persons
carrying on
business
near market.

market fee; nor shall any market fee be imposed in respect of an article sold to a person carrying on business and having a *bona fide* store, shop or other similar place of business on such part of a highway.

Fees not to
be charged
where high-
way used as
market.

(11) Where a highway is used as a market place or market, or part of a market place or market, no market fees shall be imposed, levied or collected upon articles brought to that part of the highway which is so used, but this subsection shall not apply to so much of a highway as adjoins or abuts upon a market square established as a market place.

Case of
municipi-
pality again
imposing
market
fees.

(12) Subsections 9 to 11 shall not apply to any municipality where no market fees were charged or imposed on the 10th day of March, 1882, but subsections 1 to 8 and 13 and 14 of this section shall apply to such municipality in the event of market fees being thereafter charged or imposed therein.

Power to
regulate
sales when
no fees are
charged.

(13) Nothing in the preceding subsections contained shall prevent any municipality wherein no market fees are imposed or charged from regulating the sale and the place of sale of any articles within the municipality to the same extent as it might have done before the 10th day of March, 1882;

Proviso.

(a) Market fees within the meaning of this subsection shall not include fees for weighing or measuring;

Proviso.

(b) After nine o'clock in the forenoon, between the 1st day of April and the 1st day of November, and after ten o'clock in the forenoon between the 1st day of November and the 1st day of April, no person shall be compelled to remain on, or resort to, any market place with any articles which he may have for sale, but may, after the expiration of such hour, sell or dispose of such articles elsewhere than in or on said market places.

Inconsistent
enactments
not to apply.

(14) Whenever subsections 1 to 8 or subsections 9 to 11 of this section are in force in any municipality, so much of any Act or law as may be contrary to, and as conflicts with the same, shall not be in force in or apply to such municipality.

Right to
sell or lease
market fees.

(15) A corporation may sell or lease its market fees with the right to collect them. 1922, c. 72, s. 402.

402. By-laws may be passed by the councils of counties, cities and towns:

Educational Institutions—Aid to.

Grants to
universities,
colleges,
historical
societies,
etc.

1. For making grants in aid of the University of Toronto or of Upper Canada College, or of any other University or College in Ontario, or of any historical, literary, or scientific society.

- (a) Such grants may be made from time to time, and may be either by one payment, or by an annual payment for a limited number of years, and upon such terms and conditions as may be agreed upon and may include supplying Upper Canada College with water from the waterworks of the City of Toronto, without charge.

Endowing Fellowships.

2. For endowing fellowships, scholarships or exhibitions, and other similar prizes, in the University of Toronto, or in Upper Canada College, or in any other university or college in Ontario, for competition among the pupils of the collegiate institutes and high schools in the municipality.

Endowing fellowships, etc., in universities and colleges.

3. For granting aid to art schools, approved by the Department of Education.

Aid to art schools.

4. For granting aid, for the erection, establishment or equipment of an industrial school, to any philanthropic society, within the meaning of *The Industrial Schools Act*, upon the board of which the council is represented.

Aid to industrial schools.

Rev. Stat. c. 329.

Supporting Pupils at High Schools, Universities and Colleges.

5. For making permanent provision for defraying the expenses of the attendance at the University of Toronto or at Upper Canada College, or at any other university or college in Ontario, of such of the pupils of any collegiate institute or high school of the municipality as are unable to incur the expense, but are desirous of, and in the opinion of the head master thereof possess competent attainments for competing for any scholarship, exhibition or other similar prize offered by such University or College.

Supporting certain high school pupils at universities, colleges, etc.

6. For making similar provision for the attendance at any collegiate institute or high school, for the like purpose, of pupils of public schools of the municipality. 1922, c. 72, s. 403.

Similar provisions for attendance at high schools.

403. By-laws may be passed by the councils of towns, villages and townships:

Education.

1. For making grants in aid of, or to build, preserve, enlarge or improve any collegiate institute or high school in another municipality. 1922, c. 72, s. 404.

Grants to high schools.

404. By-laws may be passed by the councils of counties and cities:

Horse Thieves.

1. For paying on the conviction of the offender and on the order of the judge or police magistrate before whom the conviction is had a reward of not less than \$20 to any person

Reward for apprehension of persons guilty of horse stealing.

who pursues and apprehends, or causes to be apprehended, any person horse stealing within the municipality.

Proviso.

- (a) The amount payable as the reward shall be in the discretion of the judge or police magistrate, but shall not exceed the amount fixed by the by-law. 1922, c. 72, s. 405.

405. By-laws may be passed by the councils of counties, cities and separated towns:

Vehicles to carry side lights at night.

1. For requiring every vehicle drawn by a horse or other animal whenever on a highway after dusk and before dawn to carry on the left hand side of the vehicle, one lighted lamp or a reflector approved by the county engineer, and so affixed that it shall be plainly visible from the front and the rear of the vehicle. 1925, c. 59, s. 14.

406. By-laws may be passed by the councils of cities and towns:

Garbage Collection.

Removal of ashes, garbage, etc.

1. For establishing and maintaining a system for the collection, removal and disposal at the expense of the corporation of garbage or of garbage and other refuse or of ashes, garbage and other refuse and with the approval of the Department of Health for erecting and maintaining such buildings, machinery and plant as may be deemed necessary for that purpose, or for contracting with some person for the collection, removal and disposal by him of the ashes, garbage and other refuse upon such terms and conditions and subject to such regulations as may be deemed expedient.

- (a) Where the amount required for the erection of such buildings, machinery and plant and for acquiring the requisite land exceeds \$5,000, the by-law shall not be finally passed without the assent of the electors entitled to vote on money by-laws.

Special rate for cost of.

2. For the collection, removal and disposal by the corporation of garbage or of garbage and other refuse or of ashes, garbage and other refuse throughout the whole municipality or in defined areas of it at the expense of the owners and occupants of the land therein, and for imposing upon such land according to its assessed value a special rate to defray the expense of such collection, removal and disposal.

No land exempt.

- (a) Subject to clause (c) no land shall be exempt from the special rate, anything in any general or special Act or in any by-law to the contrary notwithstanding.

Recovery of special rate.

- (b) The special rate may be collected or recovered in the manner provided by section 512.

- (c) In the case of a place of worship the council may by by-law provide that the special rate shall be imposed upon the land according to its assessed value exclusive of the assessed value of the buildings.

Special
rate on
churches.

Laundrymen.

3. For licensing, regulating and governing laundrymen and laundry companies and for inspecting and regulating laundries:

Licensing
etc., of
laundries.

- (a) The by-law shall not apply to or include women carrying on a laundry business in private dwelling houses, and employing female labour only, or to such dwelling houses.
- (b) The by-law may provide that a license shall not be granted, if it is deemed that the location of the laundry is an undesirable one.

Lodging-Houses and Lodging-House Keepers.

4. For licensing, regulating and governing lodging-houses and the keepers of lodging-houses, and for fixing the fee not exceeding \$1 to be charged for the license and for revoking any such license.

Regulation
of lodging
houses and
keepers.

- (a) For the purpose of this subsection a "lodging-house" shall mean any house or building or portion thereof in which persons are harboured or received or lodged for hire for a single night or for less than a week at one time, or any part of which is let for any person to sleep in for any time less than a week, but shall not include a "standard hotel" within the meaning of *The Liquor Control Act*.

Meaning of
"lodging
house."

Rev. Stat.
c. 257.

Lavatories, etc.

5. For constructing and maintaining lavatories, urinals, water closets and like conveniences, where deemed requisite, upon the highways or elsewhere, and for supplying them with water, and for defraying the expense thereof and of keeping them in repair and good order.

Maintaining
public con-
veniences.

Lifeboat Associations.

6. For granting aid to any organization owning, manning and working lifeboats or other apparatus for life saving purposes.

Aid to life-
boat asso-
ciation.

Massagists, Massage Parlours.

7. For licensing, regulating and governing massagists and for inspecting and regulating massage parlours, and such by-laws may provide for the enforcement thereof through

Licensing
and regu-
lating mas-
sagists, etc.

the Medical Health Department or Police Department of the city or town.

Residential Streets and Building Line.

Setting
apart
residential
streets.
Fixing
building
line.

8. For declaring any highway or part of a highway to be a residential street, and for prescribing the distance from the line of the street in front of it at which no building on a residential street may be erected or placed.

(a) It shall not be necessary that the distance shall be the same on all parts of the same street.

(b) The by-law shall not be passed except by a vote of two-thirds of all the members of the council.

Sewerage System—Management of by Commissioners.

Commis-
sioners to
manage
sewerage
system.
Rev. Stat.
c. 249.

9. Where the sewerage system includes the disposal or purification of sewage upon a sewage farm by filtration or other artificial means, for placing the management of it under a commission established under *The Public Utilities Act*.

(a) The by-law shall not be passed without the assent of the municipal electors.

Superannuation and Benefit Funds.

Super-
annuation
and benefit
funds for
fire and
police force.

10. For granting aid for the establishment and maintenance of superannuation and benefit funds for the members of the police force and of the fire brigade, and of other officers and employees of the corporation, and of their wives and families.

Surveyors and Engineers.

Corporation
surveyor
and
engineers.

11. For appointing an Ontario land surveyor as surveyor for the corporation and for appointing one or more engineers.

Power of
engineer.

(a) An engineer so appointed and his assistants shall in the performance of their duties possess all the powers, rights and privileges which a surveyor possesses under the provisions of section 7 of *The Surveys Act*. 1922, c. 72, s. 406, pars. 5-13.

Rev. Stat.
c. 202.

407. By-laws may be passed by the councils of cities:

Bailiffs.

Licensing,
regulating
and govern-
ing bailiffs.

1. For licensing, regulating and governing bailiffs and for providing that each applicant for a license shall deposit with the issuer of licenses, with his application, such security or guarantee bond for such amount as may be required by the council of the municipality.

- (a) For the purpose of this paragraph a bailiff shall mean "any person acting as agent for any other person under a warrant authorizing the seizure and sale of chattels, but shall not include a bailiff of any division court nor any sheriff or his agent, nor any officer of any court of record." 1922, c. 72, s. 406a.

408. By-laws may be passed by the councils of towns and villages:

Vehicles Used for Hire, etc.—Livery and Boarding Stables.

1. For licensing, regulating and governing teamsters, car- Licensing, etc., teamsters, etc.
ters and draymen, drivers of cabs and other vehicles for hire, and regulating the charges for the conveyance of goods or for other services.

2. For licensing, regulating and governing the keepers of Licensing livery stables, cabs, etc.
livery stables, and of horses, cabs, carriages, omnibuses and other vehicles used or kept for hire; for regulating the fares to be charged for the conveyance of goods or passengers, and for enforcing payment thereof.

3. For defining districts within which a livery or boarding Prohibited areas.
stable shall not be established. 1922, c. 72, s. 407, pars. 2-4.

409. By-laws may be passed by the councils of counties:

Booms—Protection and Regulation of.

1. For protecting and regulating booms on any stream or Protecting booms.
river for the safe keeping of timber, saw-logs and staves.

Fences.

2. For the exercise in respect of fences along highways Fences.
under the jurisdiction of the council, of the powers conferred upon the councils of local municipalities by paragraph 27 of section 397 and by *The Snow Roads and Fences Act*. Rev. Stat. c. 254.

Guaranteeing Debentures.

3. For guaranteeing debentures of any local municipality Guaranteeing debentures.
in the county.

Poles and Wires.

4. Subject to *The Municipal Franchises Act* for permitting Rev. Stat. c. 240.
and regulating the erection and maintenance of electric light, power, telegraph and telephone poles, towers and wires on, Regulating erection of poles, towers, wires, etc., on county roads.
and the laying of pipes or conduits for the conveyance of water, gas or sewage under the highways, under the jurisdiction of the council.

Publicity Purposes.

Annual
expenditure
for diffusing
information.

5. For expending and for diffusing information respecting the advantages of the county as an agricultural centre a sum not exceeding in any year \$3,000.

See also section 438 and The County Publicity Act, Rev. Stat. c. 74.

Traffic—Regulation of; Licensing Livery Stables, etc.

Regulation
of traffic on
certain
county
roads.

6. If there are gravel or macadamized highways under the jurisdiction of the council, and under its immediate control, which are being kept up and repaired by municipal taxation, and upon which no toll is collected;

Licensing
livery
stables.

(a) For licensing, regulating and governing the keepers of livery stables, and of horses, cabs, carriages, omnibuses, and other vehicles used or kept for hire, and teamsters;

Rates of
fare.

(b) For regulating the fares to be charged for the conveyance of goods or passengers; 1922, c. 72, s. 408, pars. 1-6 (b).

Tires.

(c) Subject to the provisions of *The Highway Traffic Act* for regulating the traffic on such highways. 1922, c. 72, s. 408, par. 6 (c); 1924, c. 53, s. 20; 1927, c. 61, s. 42.

Rev. Stat.
c. 251.

Seeds—Refuse from Cleaning of.

Refuse from
grass or
clover seed.

7. For compelling the destruction or regulating the disposal of the refuse obtained in the process of cleaning grass or clover seed.

Seeds—Purchase and Donation of.

Purchase
and dona-
tion of
seeds.

8. For purchasing supplies of any or all kinds of vegetables, seeds and seed roots and tubers and donating them to residents of the county on such terms and conditions as may be fixed by the by-law for the purpose of promoting and aiding the production of crops. 1922, c. 72, s. 408, pars. 7, 8.

410. By-laws may be passed by the councils of counties and of townships in unorganized territory:

Width of Sleigh Runners.

Sleigh
runners.

1. For providing that no sleigh or other vehicle upon runners for the conveyance of articles of burden, goods, wares or merchandise shall be used by any person residing within the municipality on any of the highways within the municipality unless the runners thereof are apart at the bottom at least four feet.

- (a) The by-law may exempt from its operation all sleighs or vehicles on runners owned at the time of its passing, by persons resident within the municipality, and shall not come into force until the expiration of one year from the given date upon which it was passed. 1925, c. 59, s. 16.

411. By-laws may be passed by the councils of cities:

Commissioner of Industries.

1. For the establishment and maintenance of a department of industries and for appointing a Commissioner of Industries to bring to the notice of manufacturers and others the advantages of the city as a location for industrial enterprises, summer resorts, residential, educational and other purposes.

Commissioner of Industries.

Location of Stables, Etc.

2. For regulating and controlling the location, erection and use of buildings as livery, boarding or sales stables, and stables in which horses are kept for hire or kept for use with vehicles in conveying passengers, or for express purposes, and stables for horses for delivery purposes, laundries, butcher shops, stores, factories, blacksmith shops, forges, dog kennels, hospitals or infirmaries for horses, dogs or other animals and for prohibiting the erection or use of buildings for all or any or either of such purposes within any defined area or areas or on land abutting on any defined highway or part of a highway;

Location of livery stables, etc.

- (a) The by-law shall not be passed except by a vote of two-thirds of all the members of the council;
- (b) This paragraph shall not apply to a building which was on the 26th day of April, 1904, erected or used for any of such purposes, so long as it is used as it was used on that day.

3. Paragraph 2 of this section shall also apply to plumber shops, machine shops, tinsmith shops, moving picture or other theatres and buildings used for the storage of builders' plant;

Regulation, etc., of plumber shops, etc.

- (a) This paragraph shall not apply to a building which was on the 1st day of May, 1914, erected or used for any of such purposes so long as it is used as it was used on that day.

4. Paragraph 2 of this section shall also apply to private hospitals, public dance halls and undertakers' establishments, and for the purpose of this paragraph, any hall, room, or building in which dancing is carried on for which a fee is charged or to which any admission fee is demanded or paid, shall be deemed a public dance hall,

Regulating location of private hospitals, dance halls, and undertakers' establishments.

- (a) This paragraph shall not apply to a building which was on the 1st day of May, 1916, erected or used for any of such purposes nor to any building the plans for which have been approved of by the city architect prior to the 1st day of May, 1916.

Not to prevent extension of building.

- (b) The passing of a by-law under this section shall not prevent the extension or enlargement of any building used for any of the purposes mentioned in this section at the time of the passing of the by-law.

Prohibiting sale of goods.

5. For prohibiting the sale of goods, wares and merchandise on any private lands within any defined area or areas, or on lands abutting on any defined highways or part of a highway, to which any by-law passed under paragraphs 2, 3 or 4 of this section applies.

Location of warehouses, gasoline stations, etc.

6. Paragraph 2 of this section shall also apply to warehouses and gasoline and oil filling stations,

- (a) This paragraph shall not apply to a building or station which was on the 1st day of April, 1918, erected or used for any of such purposes, so long as it is used as it was used on that day.

Regulation of location of awnings, tents, etc.

7. Paragraph 2 of this section shall also apply to tents, awnings, or other similar coverings for business purposes and buildings for the housing of motor trucks or apparatus used in any truck cartage business,

- (a) This paragraph shall not apply to any such tent, awning or building which was on the 1st day of May, 1919, erected or used for any such purpose so long as it is used as it was used on that day. 1922, c. 72, s. 409, pars 1-28.

Tents for human habitation.

8. For regulating and controlling the location, erection and use of tents for human habitation and for prohibiting the erection or use of tents for human habitation within any defined area or areas or on land abutting on any defined highway or part of a highway. 1924, c. 53, s. 21.

Licensing Vehicles.

Licensing users of wheeled vehicles.

9. Requiring all residents in the municipality owning and using any wheeled vehicle to obtain a license therefor before using the same upon any highway of the city; regulating the issuing of such licenses and the collection of fees therefor; fixing an annual fee not exceeding \$1.00 for such licenses, which shall be approved of by the Railway and Municipal Board; fixing a scale of fees for different vehicles; imposing penalties not exceeding \$5.00 exclusive of costs upon all persons who contravene any such by-law; and

providing that such penalties may be recoverable in the manner provided by this Act.

10. For allowing any person owning or occupying any building or other erection which by inadvertence has been wholly or partially erected upon any highway to maintain and use such erection thereon and for fixing such annual fee or charge as the council may deem reasonable for such owner or occupant to pay for such privilege.

Case of building encroaching on highway.

- (a) Such fee or charge shall form a charge upon the land used in connection therewith and shall be payable and payment of it may be enforced in like manner as taxes are payable and the payment of them may be enforced, but nothing herein contained shall affect or limit the liability of the municipality for all damages sustained by any person by reason of any such erection upon any highway.

11. For permitting the use of a portion of any highway or boulevard by the owner or occupant of land adjoining such highway or boulevard during building operations upon such land for the storage of materials for such building or for the erection of hoardings; for fixing a fee or charge for such use according to the area occupied and the length of time of such occupation and to collect the same; and for regulating the placing of such materials or hoardings, the restoration of such highway or boulevard to its original condition, the payment of such fee or charge, and the giving of permits for such privilege.

Use of highway or boulevard for building purposes.

12. For licensing and regulating the owners of public garages, and for fixing the fees for such licenses, and for imposing penalties for breaches of such by-law and for the collection thereof.

- (a) For the purpose of this paragraph, a public garage shall include a building or place where motor cars are hired or kept or used for hire or where such cars or gasoline or oils are stored or kept for sale, and a building used as an automobile repair shop.

Tussock Moths.

13. For requiring persons to destroy all tussock moths and the cocoons thereof on trees or elsewhere upon the premises owned or occupied by them. 1922, c. 72, s. 409, par. 4.

Destruction of tussock moths.

412. By-laws may be passed by the councils of cities and of towns having a population of not less than 5,000:

Apartment Houses, Tenement Houses and Garages.

Location of
apartment
houses and
garages.

1. For prohibiting or for regulating and controlling the location or erection within any defined area or areas or on land abutting on defined highways or parts of highways of apartment or tenement houses and of garages to be used for hire or gain.

(a) For the purposes of this paragraph an apartment or tenement house shall mean a building proposed to be erected or altered for the purpose of providing three or more separate suites or sets of rooms for separate occupation by one or more persons.

(b) This paragraph shall apply to garages whether motor vehicles are kept therein for hire or gain or not, but shall not apply to a garage where space for not more than two motor vehicles is rented or to a garage which is for the sole and exclusive use of the owner or occupant of the land.

413. By-laws may be passed by the councils of cities having a population of not less than 100,000:

Building By-law—Deviation from Requirements of.

Deviation
from by-
law regu-
lating
erection of
buildings.

1. For authorizing the city architect, or other officer, appointed for that purpose to permit in special cases, which in his judgment warrant it, such deviation from the by-laws regulating the erection of buildings as he may deem proper.

National Waterways Association.

Membership
in National
Waterways
Association.

2. For the corporation becoming a member of the National Waterways Association of Canada and paying the fees for such membership and for making contributions towards the expenses of such association and paying the expenses of delegates to any meeting of it or upon its business. 1922, c. 72, s. 410.

Speedways.

Setting
apart
streets for
fast driving.

3. For setting apart one or more highways or parts of highways on which horses may be ridden or driven more rapidly than is permitted upon other highways, and for regulating the use for such purpose of any such highway.

(a) If a majority of the property owners on any such street petition against such by-law it shall be repealed.

Unslaughtered Cattle.

4. For authorizing the seizing, in order to prevent their use as food, of unslaughtered cattle, sheep, calves and hogs which have died within the municipality, and for disposing of the carcasses so as not to endanger the public health, and so as to secure to the owner such value as remains over and above the expenses incurred in disposing of them.

Seizure of
cattle, etc.
unfit for
food.

414. By-laws may be passed by the councils of townships bordering on or situate within ten miles of a city having a population of not less than 100,000:

1922, c. 72, s. 410, *part*; 1924, c. 53, s. 22.

1. For prescribing the distance from the line of street in front of it at which no building shall be erected or placed—

Building
line.

(a) The by-law shall apply only to streets which are less than 66 feet in width, and it shall not be necessary that the distance shall be the same on all parts of the same street.

2. For requiring that in connection with all buildings hereafter erected and used solely as residences, there shall be a passage-way at one side thereof of at least two feet (2') in width from front to three feet (3') in rear of such building.

Passage-
ways.

3. For exercising the powers conferred on cities by paragraph 12 of section 411, with reference to public garages and the powers conferred by section 412, with reference to garages to be used for hire or gain.

Prohibiting
licensing,
etc., of
garages.

4. For licensing, regulating and governing teamsters, carters, draymen, drivers and owners of cabs, busses and other vehicles for hire and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers within the township.

Licensing,
regulating
teamsters,
carters,
draymen,
etc.

5. For requiring the owner, lessee, tenant, agent, manager or occupant of any premises in, or of a steam boiler in connection with which a fire is burning and every person who operates, uses or causes or permits to be used any furnace or fire, to prevent the emission to the atmosphere from such fire of opaque or dense smoke for a period of more than six minutes in any one hour, or at other point than the opening to the atmosphere of the flue, stack or chimney.

Emission of
smoke.

(a) This paragraph shall not apply to a furnace or fire used in connection with the reduction, refining or smelting of ores or minerals, or the manufacture of cement or to dwelling houses, except apartment houses.

- (b) No person shall incur a penalty for an infraction of the by-law until ninety days after notice from the corporation of the existence of such by-law and such notice may be given by publication of the by-law in the *Ontario Gazette* and in a daily newspaper published in the city on which the township borders, for four successive weeks. 1922, c. 72, s. 410a, pars. 1-5.

Building
restrictions.

6. For exercising all the powers conferred on cities, towns, villages and townships abutting on an urban municipality, by paragraph 2 of section 398 with reference to regulating the height, bulk, spacing and character of buildings to be erected within any defined area or abutting on any defined highway.

Prohibiting
children from
riding behind
waggons, etc.

7. For prohibiting children from riding on the platforms of cars, or riding behind or getting on waggons, sleighs, or other vehicles while in motion, and for preventing accidents arising from such causes.

Right-of-way
on streets for
fire reels.

8. For providing that the reels, engines and vehicles of the Fire Department shall have the right-of-way on the streets and highways while proceeding to a fire or answering a fire alarm call.

Establishing,
fire companies
etc.

9. For appointing fire wardens, fire engineers and firemen and for promoting, establishing, and regulating fire, hook-and-ladder, and property saving companies.

Naming and
surveying
streets.

10. For exercising all the powers conferred on urban municipalities by paragraph 39 of section 399 with respect to the naming and surveying of streets.

Driving,
etc., upon
sidewalks.

11. For prohibiting the leading, riding or driving of horses or cattle upon sidewalks or in other places not proper therefor.

Location
of stables,
garages, etc.

12. For regulating the location, erection and use of stables, garages, barns, outhouses and manure pits.

Traffic on
highways.

13. For exercising all the powers conferred on urban municipalities by paragraph 47 of section 399 with respect to regulating traffic on highways.

Regulating
vending in
streets.

14. For prohibiting or regulating the sale by retail in the highways or on vacant lots adjacent to them of any meat, vegetables, grain, hay, fruit, beverages, smallwares and other articles, and for regulating traffic in and preventing the blocking up of the highways by vehicles or otherwise.

15. For licensing and regulating electrical workers.

Electrical
workers.

- (a) The by-law shall not apply to employees of any public service commission or corporation. 1924, c. 53, s. 22.

415. By-laws may be passed by the councils of townships:*Fires—Prevention Of.*

1. Within defined areas, where the number of the inhabitants or the proximity of buildings in any part of the township renders it expedient to do so, for exercising the powers conferred on the councils of urban municipalities by paragraphs 18 to 37 of section 399. 1922, c. 72, s. 411, par. 1.

Prevention
of fires.

2. For acquiring land for and erecting thereon a fire hall and for purchasing and installing fire engines, hydrants, apparatus and appliances for fire protection of any defined area of the township at a cost not exceeding \$20,000 and for the issue of debentures to meet such cost payable in equal annual instalments of principal and interest during a period not exceeding ten years, and for levying a special annual rate on all the rateable property in such area according to the last revised assessment roll sufficient to meet such annual instalments of principal and interest.

Erection of
fire hall, pur-
chase of fire
engines, etc.

- (a) The by-law shall not be passed except with the assent of the electors qualified to vote on money by-laws in such area.

- (b) The annual instalments of principal and interest shall not exceed the amount which would be produced by the levy of a special rate of two mills in the dollar on the rateable property in such area according to the then last revised assessment roll. 1924, c. 53, s. 23 (1); 1927, c. 61, s. 43 (2).

3. For appointing, insuring and paying firemen and others employed in connection with the fire hall and for levying a special annual rate on all the rateable property in such area according to the last revised assessment roll to meet the cost thereof and the cost of the maintenance and repair of such fire hall, fire engines, apparatus and appliances.

Appointing,
insuring and
paying of
firemen.

4. For authorizing the reeve, or deputy reeve, or, in case of the absence of the reeve and deputy reeve, any member of the council, in the event of an emergency arising in the township by reason of timber or forest fires, to call out such number of resident male inhabitants of the township as may be necessary to fight and put out any such fires, and for fixing the amount of the remuneration to be paid to such residents for the services rendered by them. 1924, c. 53, s. 23 (1).

Authority to
call out help.

Garbage, Ashes, etc.—Removal of.

Removal
of ashes,
garbage,
etc.

5. For exercising the powers conferred on cities and towns by paragraph 2 of section 406, with reference to the collection, removal and disposal by the corporation of ashes, garbage and other refuse. 1922, c. 72, s. 411, par. 1a; 1924, c. 53, s. 23 (2).

Portable Steam Engines.

Restrictions
on operation.

6. For prescribing the distance from a highway within which unenclosed portable steam engines may not be used for running a saw-mill or a shingle mill.

Sleighing—Keeping Open Highways During Season of.

Keeping open
in winter.

7. For providing for keeping open the highways during the season of sleighing in each year; and for the application of so much of the commutation of the Statute Labour Fund, as may be necessary for that purpose.

Requiring
overseers of
highways to
keep open
highways.

8. For requiring the overseers of highways or the pathmasters to make and keep open the highways during the season of sleighing.

Powers.

(a) Such overseers and pathmasters may require the persons liable to perform statute labour to assist in keeping open such highways, and shall give to any person so employed a certificate of his having performed statute labour and of the number of days' work done, for which he shall be allowed on his next season's statute labour.

Streams, Creeks and Watercourses—Prohibiting Obstruction of.

Prohibiting
obstruction
of streams,
etc.

9. For prohibiting the obstruction of streams, creeks and watercourses, by trees, brushwood, timber or other materials, and for requiring the clearing away and removing of the obstructions by the person causing the same.

Weighing Machines.

Erecting
and main-
taining
weighing
machines.

10. For erecting and maintaining weighing machines within the municipality or within an adjacent village, and charging fees for the use thereof, not being contrary to the limitations prescribed by subsection 8 of section 401.

Wet Lands.

Purchase
of wet lands
from Gov-
ernment, etc.

11. For purchasing any wet land in the township, the price of which, in case of Crown lands, shall be fixed by the Lieutenant-Governor in Council, and for draining such land.

Naming Streets and Numbering Houses.

Naming
streets, etc.

12. In the case of townships bordering on cities having a population of not less than 50,000 for naming and changing

the names of and surveying streets and for numbering houses and lots under and in conformity with paragraphs 39 and 40 of section 399. 1922, c. 72, s. 411, pars. 2-8.

13. For numbering the buildings and lots along any highway, street, beach, park, reserve or any other property in the township which is considered necessary to number by the township council, and for affixing numbers to the buildings, and for charging the owner or occupant with the expense incident to the numbering of his building, lot or property.

Numbering
buildings
and lots in
parts of
township.

- (a) Such expense may be collected in the same manner as taxes, and if paid by the occupant, subject to any agreement between him and the owner, may be deducted from the rent payable to the owner. 1926, c. 52, s. 7.

14. For keeping, and every such council shall keep, a record of the highways, streets, beaches, parks, reserves and of the numbers of the buildings and lots, and for entering therein, and every such council is hereby required to enter therein, a division of the streets with boundaries and distances for public inspection. 1926, c. 52, s. 7.

Records of
streets and
numbers, etc.

Lavatories, etc.

15. For constructing and maintaining lavatories, urinals, water closets and like conveniences where deemed requisite upon the highways, streets, beaches, public places or elsewhere, and for supplying them with water, and for defraying the expenses thereof and keeping them in repair and good order. 1926, c. 52, s. 7.

Constructing
and main-
taining lava-
tories, etc.

416. By-laws may be passed by the councils of villages:

1. For exercising the powers conferred on cities and towns by paragraph 8 of section 406 with reference to residential streets and building line.

Residential
streets and
building line.

2. For exercising the powers conferred on cities and towns by paragraphs 1 and 2 of section 406. 1922, c. 72, s. 411a.

Removal of
ashes and
garbage.

417. By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory and of cities having a population of less than 100,000 and by the Board of Commissioners of Police of cities having a population of not less than 100,000:

Auctioneers.

1. For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for prohibiting the granting of a license to an applicant who is not of good character, or whose premises are not suitable for the business of auctioneer or are upon a residential or other highway in which it is deemed not desirable that the business should be

Licensing,
etc.,
auctioneers.

carried on; for ascertaining by such means as the by-law may provide whether an applicant is not of good character or his premises are not suitable for the business and for determining the time the license shall be in force.

- (a) No such by-law shall apply to a sheriff or bailiff offering for sale goods or chattels seized under an execution or distrained for rent. 1922, c. 72, s. 412.

418. By-laws may be passed by the councils of counties and towns, and of cities having a population of less than 100,000 and by Boards of Commissioners of Police of cities having a population of not less than 100,000:

Bill Posters.

Licensing,
regulating
and govern-
ing bill
posters,
sign paint-
ers, etc.

1. For licensing, regulating and governing bill posters, advertising sign painters, bulletin board painters, sign posters and bill distributors, and for prohibiting the posting up or distributing of posters, pictures or hand bills which are indecent or tend to corrupt morals.

- (a) A by-law of a county passed under this paragraph shall not have force in a town which has passed a by-law for a similar purpose. 1922, c. 72, s. 412a.

419. By-laws may be passed by the councils of counties, towns and of townships bordering on a city having a population of not less than 100,000, and by Boards of Commissioners of Police of cities:

1922, c. 72, s. 413, *part*; 1926, c. 52, s. 8.

Junk and Second-hand Shops, etc.

Licensing
and regula-
ting junk
shops, etc.

1. For licensing, regulating and governing junk shops, junk yards, and second-hand shops and dealers in second-hand goods, and for revoking and cancelling the license of any person convicted of a second offence against the by-law or of an offence against sections 399 to 401 of *The Criminal Code*.

R.S.C. c. 146.

- (a) "Dealers in second-hand goods" shall include persons who go from house to house or along highways for the purpose of collecting, purchasing or obtaining second-hand goods.
- (b) The by-law may apply to and require every person using a vehicle for any of the purposes mentioned in paragraph 1, either on his account or as the agent or servant of another person, to take out a license;
- (c) The power of licensing shall not apply to persons engaged in any of the objects mentioned in paragraph 1 for patriotic or charitable purposes.

- (d) "Second-hand goods" shall include bottles, bicycles, waste paper, rags, bones, old iron or other scrap or junk.
- (e) The fee to be paid for the license shall not exceed \$20 for one year. 1922, c. 72, s. 413, par. 1, *part*; 1926, c. 52, s. 8 (1).
- (f) A by-law of a county passed under this paragraph shall not have force in any municipality in the said county after any such municipality hereby authorized so to do has passed a by-law for a similar purpose. 1926, c. 52, s. 8 (2). Licensing junk and second-hand shops.
- (g) Any license issued under paragraph 1 of this section may be issued to authorize the licensee to deal in one class only of second-hand goods or in more than one class as may be specified in the license and such licensee shall not be entitled to deal in any class of second-hand goods not covered by his license. 1922, c. 72, s. 413, par. 1, *part*; Scope of license.

420. By-laws may be passed by the councils of counties, separated towns and towns in unorganized territory:

Public Fairs.

1. For authorizing, on petition of at least fifty electors, the holding at one or more of the most public and convenient places in the municipality public fairs restricted to the sale, barter and exchange of cattle, horses, sheep, pigs and articles of agricultural production or requirement. Public fairs for sale of cattle, etc.

- (a) The by-law shall prescribe rules and regulations for the government of the fairs, and appoint a person to see that they are carried out, and shall also fix the fees to be paid to him by persons attending the fair, and public notice of the passing of the by-law shall be forthwith given by the council. Rules for governing same. Notice of passing of by-law.

Surgeons in Public Institutions.

2. For appointing one or more surgeons of the gaol and other institutions under the control of the corporation. 1922, c. 72, s. 414. Appointing gaol surgeons, etc.

421. By-laws may be passed by the councils of counties, cities, separated towns and towns in unorganized territory:

Tanneries.

1. For defining areas within which tanneries, rag, bone, or junk shops, or industries of a noxious or unhealthy character, may not be carried on. Defining areas in which certain trades may not be carried on.

- (a) This paragraph shall not apply to a tannery erected before the 7th day of April, 1890. 1922, c. 72, s. 415.

422. By-laws may be passed by the councils of townships in unorganized territory, all townships bordering on a city having a population of not less than 100,000, of counties and towns, and of cities having a population of less than 100,000, and by the Board of Commissioners of Police of cities having a population of not less than 100,000:

1922, c. 72, s. 416, *part*; 1927, c. 61, s. 44 (1).

Hawkers and Pedlars.

Licensing,
etc., hawk-
ers, petty
chapmen.

1. For licensing, regulating and governing hawkers, pedlars and petty chapmen, and other persons carrying on petty trades, or who go from place to place or to other men's houses, on foot, or with any animal, vehicle, boat, vessel, or other craft, bearing or drawing goods, wares, or merchandise for sale, or otherwise carrying goods, wares or merchandise for sale or who go from place to place or to other men's houses to take orders for coal oil or other oil which is to be delivered afterwards from a tank car moved on a railway line or who go from place to place or to a particular place to make sales or deliveries of coal oil or other oil from such tank car.

When license
not required.

(a) No such license shall be required for hawking, peddling or selling goods, wares or merchandise to a retail dealer, or for hawking, peddling or selling goods, wares or merchandise, the growth, produce or manufacture of Ontario, not being liquors within the meaning of *The Liquor Control Act*, if the same are hawked or peddled by the manufacturer or producer of them, or by his *bona fide* servants or employees having written authority to do so;

Rev. Stat.
c. 257.

Production
of authority
of servant.

(b) Such servant or employee shall exhibit his authority when required so to do by any municipal or peace officer;

Onus of
proof that
no license
required.

(c) In a prosecution for a breach of the by-law the onus of proving that he does not for either of the reasons mentioned in clause (a) require to be licensed shall be upon the person charged.

Certain
powers not
affected.

(d) Nothing in this paragraph shall affect the powers to pass by-laws, under sections 400 and 401, paragraph 1 of section 428, and paragraphs 5 and 6 of section 429.

"Hawkers,"
meaning of.

(e) "Hawkers" in this paragraph shall include agents for persons not resident within the county, who sell or offer for sale tea, coffee, spices, baking powder, dry goods, watches, plated ware, silver ware, furniture, carpets, upholstery, millinery, coal oil, tinware, carpet-sweepers and electrical appliances, or jewellery, spectacles or eyeglasses, or who carry and expose samples or patterns of any such article, which is to be afterwards deliv-

ered within the county to a person not being a wholesale or retail dealer in such article. 1922, c. 72, s. 416, par. 1 (a-e).

- (f) Where the council of a town or township not separated from a county has passed a by-law under this paragraph the by-law of the county shall not be in force in said town or township while the by-law of such town or township remains in force. 1927, c. 61, s. 44 (2). Force of by-law of town not separated.

- (g) The fee to be paid for the license under by-laws passed under this paragraph may be lower in the case of persons who have resided continuously within the municipality for which the license is sought for at least one year prior to the application therefor than in the case of persons who have not so continuously resided, but in cities having a population of not less than 100,000, the fee shall not be more than \$50 for a motor vehicle or a two-horse waggon, \$30 for a one-horse waggon, \$15 for a push-cart, \$10 for one carrying a pack, and \$1 for one carrying a basket. Fees.

- (h) The licensee shall at all times whilst carrying on his business have his license with him and shall upon demand exhibit it to any municipal or peace officer, and if he fails to do so shall, unless the same is accounted for satisfactorily, incur a penalty of not less than \$1 or more than \$5. License to be produced on demand.

- (i) If a peace officer demands the production of a license by any persons to whom the by-law applies and the demand is not complied with, it shall be the duty of the peace officer, and he shall have power to arrest such person without a warrant and to take him before the nearest justice of the peace, there to be dealt with according to law. 1922, c. 72, s. 416, par. 1 (g-i). Penalty.

2. For providing the treasurer or clerk of the county, or the clerk of any municipality within the county with licenses under by-laws passed under paragraph 1 of section 417 and paragraph 1 of this section, to be issued under such regulations as may be prescribed to persons applying for them. Supplying licenses.

3. For prohibiting the sale of fruit, candy, peanuts, ice cream or ice cream cones from a basket, or a waggon, cart or other vehicle upon any highway or part of it, or in any public park or other public place. Prohibiting sale of fruit, etc., on public streets, etc.

- (a) The by-law shall not apply to a farmer, market gardener or other person selling or delivering goods at any place of business or residence upon such highway or part thereof. 1922, c. 72, s. 416, pars. 2, 3. Proviso.

Licensing
dealers in
fruit.

4. For licensing, regulating and governing persons not being wholesale dealers residing in Ontario who go from place to place or to a particular place to make sales or deliveries of fruits and garden produce to a retail dealer;

Fee.

(a) The fee to be paid for the license shall not exceed \$250;

Application
of par. 1
to by-law.

(b) The provision of clauses *f*, *h* and *i* of paragraph 1 of this section shall apply to a by-law passed under this paragraph. 1925, c. 59, s. 18; 1927, c. 61, s. 45.

By-law to
cover sales
on county
boundary
lines.

423. A by-law passed by a council of a county under the provisions of section 422 shall whether the same is mentioned or not cover and include the boundary line or highway between such county and an adjoining county, and a sale made on said boundary line or highway to a resident of a county in which such by-law is in force shall be and constitute a breach of such by-law in the same manner and with like consequence and effect as if made wholly within the said county. 1922, c. 72, s. 416a.

424. By-laws may be passed by the councils of counties, cities and towns:

Licensing,
etc., dry
cleaners,
pressers,
etc.

1. For licensing, regulating and governing the business of dry cleaners, dry dyers, cleaners and pressers and persons engaged in those and similar businesses in which gasoline, carbon bisulphide, naphtha, benzine, benzol, or other light petroleum or coal tar products or volatile or inflammable liquids are used; for imposing and collecting a license fee from persons engaging in any such business; for delegating to the architect or some other person the duty of issuing such licenses and signing the same on behalf of the municipality; and for authorizing the architect or some other person named to allow such variation from the standard requirements in the case of existing businesses as he may approve of where such variation will not, in his opinion, unreasonably prejudice the safety of the public. 1922, c. 72, s. 416b.

License fee.

Issue of
licenses.

Authority
of archi-
tect, etc., to
vary re-
quirements
in certain
cases.

425. By-laws may be passed by the councils of counties:

Licensing,
etc., business
of purchasing
and selling
fowl.

1. For licensing, regulating and governing persons who go from place to place or to a particular place within the county to purchase fowl and for requiring such persons to keep a correct record of their purchases and to report to the high constable of the county from time to time as the by-law may provide the names and addresses of the persons from whom the fowl were purchased and the kind and number of fowl so purchased.

(a) The fee for the license shall not exceed \$1.

- (b) The by-law shall not apply to a wholesale or retail merchant carrying on business and occupying premises within the county for the purposes of such business nor to his *bona fide* servants or employees.
- (c) The licensee shall at all times whilst carrying on his business, have his license with him and shall upon demand exhibit it to any peace officer, and if he fails to do so shall, unless the same is accounted for satisfactorily, incur a penalty of not less than \$1 or more than \$5.
- (d) The by-law shall, whether the same is mentioned or not, include the boundary line or highway between such county and an adjoining county. 1925, c. 59, s. 19.

426. By-laws may be passed by the councils of counties, towns, villages and townships and of cities having a population of less than 100,000, and by Boards of Commissioners of Police of cities having a population of not less than 100,000:

Intelligence Offices.

1. For licensing and governing suitable persons to keep intelligence offices for the purpose of registering the names and residences of servants, workmen, clerks and other persons seeking employment and procuring employment for them and giving information to them and to persons in need of their services; for fixing the fees to be charged by the keepers of such offices, and the duration of the license; for regulating such intelligence offices; and for revoking any such license.

Licensing
intelligence
offices.

Regulation.

Revocation
of license.

- (a) The license fee shall not exceed \$10 for one year.

Victualling Houses, etc.

4. For limiting the number of and licensing and regulating victualling houses, ordinaries, and houses where fruit, fish, oysters, clams or victuals are sold to be eaten therein, and places for the lodging, reception, refreshment or entertainment of the public, for revoking the license.

Limiting
number of,
and licensing
victualling
houses, etc.

Revocation
of license.

- (a) The sum to be paid for the license shall not exceed \$20. 1922, c. 72, s. 417, pars. 1-5.

Fees.

5. For licensing, regulating and controlling all places where food stuffs intended for human consumption are made for sale, offered for sale, stored or sold.

Licensing
food shops.

- (a) The license fee shall not exceed the sum of \$1 for one year. 1923, c. 41, s. 9.

Fees.

427. By-laws may be passed by the councils of towns and cities having a population of less than 100,000, and by Boards of Commissioners of Police of cities having a population of not less than 100,000:

Electrical Workers.

Electrical
workers.

1. For examining, licensing and regulating electrical workers. 1922, c. 72, s. 418.

(a) The by-law shall not apply to the employees of any public service commission or corporation. 1925, c. 59, s. 20.

428. By-laws may be passed by the councils of towns and villages and of townships bordering on a city having a population of not less than 100,000, and of cities having a population of less than 100,000 and by the Boards of Commissioners of Police of cities having a population of not less than 100,000:

1922, c. 72, s. 419, *part*; 1926, c. 52, s. 9 (1).

Sale of Meat.

Regulating
sale of meat.

1. For regulating the storage, handling and sale of fresh meats and of fresh fish and prescribing the equipment and appliances necessary to conduct such business under sanitary conditions, and for granting annually or oftener licenses for the sale of fresh meat in quantities less than by the quarter carcass and of fresh fish and fixing and regulating the places where such sale shall be allowed, and for prohibiting the sale of fresh meat in less quantities than the quarter carcass and of fresh fish, unless by a licensed person and in a place authorized by the council.

(a) The power conferred by paragraph 1 shall not be affected or restricted by anything in section 401.

(b) Nothing in paragraph 1 shall affect the powers conferred by paragraphs 3 and 4 of section 400. 1922, c. 72, s. 419, *par. 1, part*.

(c) The fee to be paid for the license shall not exceed \$50 in a city and \$25 in a town, township or village. 1922, c. 72, s. 419, *par. 1*; 1926, c. 52, s. 9 (2).

Tobacconists.

Licensing
and regula-
ting keepers
of tobacco
stores.

2. For licensing, regulating and governing keepers of stores and shops where tobacco, cigars or cigarettes are sold by retail, and for revoking any license granted. 1922, c. 72, s. 419, *par 2*; 1927, c. 61, s. 46.

429. By-laws may be passed by the councils of towns, townships, villages and cities having a population of less than 100,000 and by Boards of Commissioners of Police in cities having a population of not less than 100,000:

Bagatelle and Billiard Tables.

Billiard,
pool and
bagatelle
tables.

1. For licensing, regulating and governing persons who for hire or gain, and proprietary clubs which directly or indirectly keep, or have in their possession, or on their premises any billiard, pool or bagatelle table, or keep or have

any such table, whether used or not, in a house or place of public entertainment or resort; for limiting the number of licenses to be granted and the number of such tables which shall be licensed and for revoking any license granted.

- (a) "Proprietary club" shall mean and include all clubs other than those in which the use of any such table is only incidental to the main objects of the club.

Exhibitions, Places of Amusement, etc.

2. For regulating and licensing, subject to the provisions of *The Theatres and Cinematographs Act*, exhibitions held for hire or gain, theatres, music halls, bowling alleys, moving picture shows and other places of amusement, and for prohibiting the location of them, or a particular class of them, on land abutting on any highway or part of a highway to be named in the by-law and for revoking any license granted.

Exhibitions,
bowling
alleys, etc.

Rev. Stat.
c. 285.

Plumbers.

3. For licensing, regulating and governing plumbers, master plumbers and journeymen plumbers;

- (a) For the purpose of this paragraph "master plumber" shall mean a person who is skilled in the planning, superintending and installation of plumbing, is familiar with the laws, rules and regulations governing the same, has a regular place of business in the municipality and who himself or by journeymen plumbers in his employ performs plumbing work.
- (b) "Journeyman plumber" shall mean a person other than a master plumber who has been in the employ of a master plumber for not less than one year and desires to follow plumbing as his calling.

"Master
plumber."

"Journeyman
plumber."

Shows.

4. For prohibiting or regulating and licensing exhibitions of wax works, menageries, circus-riding, and other like shows usually exhibited by showmen, and for regulating and licensing roller skating rinks and other places of like amusement, and merry-go-rounds, switchback railways, carousals and other like contrivances; and for imposing penalties not exceeding the amount of the license fee on offenders against the by-law; and for levying the same by distress and sale of the goods and chattels of the showman or proprietor, or belonging to or used in such exhibition or show whether owned or not owned by such showman or proprietor.

Exhibitions
of wax
work,
shows, etc.

Licenses
not to be
granted for
certain
times and
places.

- (a) A license shall not be granted for any such exhibition or show to be held on the days of the exhibition of any district or township agricultural society, within 300 yards from the grounds of the society or for any such exhibition or show in or in connection with which gambling is carried on or goods, wares or merchandise are sold or trafficked in.

Fees.

- (b) The fee to be paid for the license shall not exceed \$500.

Transient Traders.

Licensing
and regu-
lating
transient
traders.

5. For licensing, regulating and governing transient traders and other persons whose names have not been entered on the assessment roll in respect of income or business assessment for the then current year; and who offer goods, wares or merchandise for sale by auction, conducted by themselves or by a licensed auctioneer or otherwise, or who offer them for sale in any other manner.

Requirement
as to obtain-
ing license
before doing
business.

6. For requiring transient traders and other persons whose names are not entered on the assessment roll or are entered on it for the first time, in respect of income or business assessment, and who so offer goods, wares or merchandise for sale, to pay a license fee before commencing to trade.

Stock of
insolvent.

- (a) A by-law passed under paragraphs 5 or 6 shall not apply to the sale of the stock of an insolvent which is being sold or disposed of within the county or district in which he carried on business therewith at the time of the issue of an attachment or of the execution of an assignment.

"Transient
traders."

- (b) "Transient traders" shall include any person commencing business who has not resided continuously in the municipality for at least three months next preceding the time of his commencing such business there.

Fees.

- (c) The fee to be paid for a license under paragraph 6 shall not exceed in a city or town \$250, in a village in unorganized territory \$200, and in other local municipalities \$100.

To be
credited
on taxes.

- (d) The sum paid for a license shall be credited to the person paying it, on account of taxes thereafter payable by him. 1922, c. 72, s. 420.

430. By-laws may be passed by the councils of towns and villages and Boards of Commissioners of Police in cities:

Bands and Musical Instruments.

Bands of
music.

1. For regulating or prohibiting the playing of bands and of musical instruments in any highway, park, or public place

except by a military band attached to any regular corps of the Militia of Canada when on duty, under the command of its regular officer.

Junk Stores—Purchasing or Receiving Pledges from Minors.

2. For prohibiting keepers of second-hand shops or junk stores or shops, directly or indirectly purchasing from, exchanging with, or receiving in pledge from any minor appearing to be under the age of 18 years, without written authority from a parent or guardian of such minor, any metals, goods, or articles. 1922, c. 72, s. 421.

Junk shops,
buying from
minors.

431. By-laws may be passed by Boards of Commissioners of Police of cities:

Cab Drivers—Licensing of.

1. For licensing, regulating and governing teamsters, carters, draymen, owners and drivers of cabs, busses, motor and other vehicles regularly used for hire within the city and for establishing the rates or fares to be charged by the owners or drivers of such vehicles for the conveyance of goods or passengers either wholly within the city or to any other point not more than three miles beyond its limits and for providing for enforcing payment of such rates or fares. 1927, c. 61, s. 47.

Licensing
cab drivers,
teamsters,
etc.

Children in certain Occupations.

2. For regulating and controlling children engaged as express or dispatch messengers, vendors of newspapers and small wares and bootblacks.

Control of
children.

Livery Stables, etc.—Hours of Labour.

3. For regulating the hours of labour of persons employed in livery or boarding stables as drivers of motor vehicles, cabs, carriage, or sleighs kept for hire, or by the owners of horses, carts, trucks, omnibuses, and other vehicles kept for hire.

Regulating
hours of
labour of
persons
employed
in livery
stables, etc.

Parades and Traffic on Highways.

4. For regulating parades or processions on highways, and from time to time, and as occasion may require, prescribing the routes of travel to be observed by all vehicles, horses and persons upon the highways, and preventing the obstruction of the highways during public processions or public demonstrations, and for giving directions to the police constables for keeping order, and preventing any collision or obstruction of traffic at the intersections or other frequented portions of the highways, on all occasions when the highways are thronged, or liable to obstruction.

Regulating
traffic and
parades.

- (a) This paragraph shall not affect the right, if any, of a street railway company to regulate the routes of its cars and no regulation or direction which may affect a street railway company shall be made or given until the company has been afforded an opportunity of being heard. 1922, c. 72, s. 422.

Destitute Insane Persons—Support of.

County council to make provision for the destitute insane.

432. The council of every county shall make provision for the whole or partial support within the county of such insane destitute persons as cannot be admitted to a Provincial Hospital for the Insane, and shall determine the sums to be paid for such support, and the persons to whom the same shall be paid. 1922, c. 72, s. 423.

Members of Council—Payment of.

Remuneration to councillors and committeemen.

433. —(1) By-laws may be passed by the councils of counties and townships for paying the members of the council for their attendance at meetings of the council or of its committees, at a rate not exceeding \$8 a day, and ten cents for each mile necessarily travelled in going to and from such meetings.

Payment of councillors.

(2) By-laws may be passed by councils of cities, having a population of less than 100,000, towns and villages for paying the members of the council for their attendance at meetings of the council or of its committees at a rate not exceeding \$5 a day. 1922, c. 72, s. 424.

Remuneration of police trustees.

(3) By-laws may be passed by the trustees of police villages for paying such trustees for their attendance at meetings at a rate not exceeding \$5 per day, after such by-law has been submitted to and approved of by the electors on the day of the annual election of trustees. 1926, c. 52, s. 10.

Remuneration of aldermen and chairmen in certain cities.

434. By-laws may be passed by the councils of cities having a population of not less than 100,000, for paying an annual allowance, not exceeding \$500 to aldermen, and an additional allowance not exceeding \$100 to each chairman of a standing committee and to the chairman of the Court of Revision and the Local Board of Health.

- (a) The by-law shall provide for the deduction from such allowance of a reasonable sum to be fixed by the council for each day's absence from meetings. 1922, c. 72, s. 425.

Payment of aldermen and chairmen of committees.

435. By-laws may be passed by the councils of cities having a population of not less than 200,000 with the assent of the municipal electors for paying an annual allowance not exceeding \$1,200 to aldermen and an additional allowance not exceeding \$100 to each chairman of a standing com-

mittee and to the chairman of the court of revision and the local board of health. 1922, c. 72, s. 425a.

Members of Certain Councils may be Appointed Commissioners.

436. A member of the council of a county, village or township may be appointed commissioner, superintendent or overseer of any highway or of any work undertaken wholly or in part at the expense of the corporation and may be paid the like remuneration for his services as if he were not a member of the council. 1922, c. 72, s. 426.

Appointment of member of council as road commissioner, etc.

Expenses of Reception of Distinguished Guests and Travelling Expenses.

437. The council of a city, town, village, county or township may pay for or towards the reception or entertainment of persons of distinction or the celebration of events or matters of national interest or importance, or for or towards travelling or other expenses incurred in respect to matters pertaining to or affecting the interests of the corporation, a sum not exceeding in any year in the case of

Expenses of entertaining guests and for travelling on civic business.

(a) a city having a population of not less than 100,000	\$20,000
(b) a city or town having a population of not less than 20,000	2,500
(c) a city or town having a population of not less than 10,000	1,000
(d) a county	1,500
(e) other municipalities	500

1922, c. 72, s. 427.

Publicity Purposes.

438.—(1) The council of every city having a population of not less than 30,000 may expend a sum not exceeding in any year ten cents per head of its population, and the council of a city having a population of less than 30,000 may expend a sum not exceeding in any year \$3,000 and the council of every town having a population of not less than 5,000 and the council of every county may expend a sum not exceeding in any year \$500, in diffusing information respecting the advantages of the municipality as a manufacturing, business, educational or residential centre, or as a desirable place in which to spend the summer months, and the councils of other municipalities may expend for the like purpose a sum not exceeding in any year \$100. 1922, c. 72, s. 428; 1926, c. 52, s. 11.

Appropriation for diffusing information re advantages of municipality.

Municipalities
in Muskoka
may exceed
limit in
subs. 1.

(2) Notwithstanding anything contained in subsection 1, any municipality in the District of Muskoka may expend a sum not exceeding in any year the amount of one mill in the dollar on its total assessment for the purposes specified in subsection 1. Any two or more of such municipalities may pool their funds and act jointly for the said purposes. 1927, c. 61, s. 48.

(NOTE.—See also *County Publicity Act*, *Rev. Stat. c. 74.*)

PART XXI.

HIGHWAYS AND BRIDGES.

Powers and Duties as to.

Interpreta-
tion.

439.—(1) In this Part

"County
bridge."

(a) "County bridge" shall mean a bridge under the exclusive jurisdiction of the council of a county.

Exception.

(2) Except as provided by section 454 this Part shall not apply to a Provincial road or bridge under the control of the Crown. 1922, c. 72, s. 429.

Power to
acquire
part of
highway.

440. Where by this Part power is conferred upon a council to pass by-laws for acquiring or for assuming a highway it shall include the power to pass by-laws for acquiring or for assuming part of a highway. 1922, c. 72, s. 430.

What coun-
cils to exer-
cise powers
re highways
and bridges.

441. Where power to pass by-laws in respect of a highway or bridge is by this Act conferred on a council, unless otherwise expressly provided, it shall be exercisable only by the council having jurisdiction over the highway or bridge, or if the highway or bridge is under the joint jurisdiction of two or more councils only by the joint action of such councils, and a by-law by all of them shall be necessary for the exercise of such power. 1922, c. 72, s. 431.

What shall
constitute
public
highways.

442. Except in so far as they have been stopped up according to law all allowances for roads made by the Crown surveyors, all highways laid out or established under the authority of any statute, all roads on which public money has been expended for opening them, or on which statute labour has been usually performed, all roads passing through Indian lands, all roads dedicated by the owner of the land to public use, and all alterations and deviations of and all bridges over any such allowance for road, highway or road, shall be common and public highways. 1922, c. 72, s. 432.

443.—(1) Unless otherwise expressly provided, the soil and freehold of every highway shall be vested in the corporation or corporations of the municipality or municipalities, the council or councils of which for the time being have jurisdiction over it under the provisions of this or any other Act.

Highways
vested in
corporation
having
jurisdiction
over them.

(2) In the case of a dedicated highway such vesting shall be subject to any rights in the soil reserved by the person who laid out or dedicated the highway. 1922, c. 72, s. 433.

Reservation
of rights
in soil.

444. Except where jurisdiction over them is expressly conferred upon another council, the council of every municipality shall have jurisdiction over all highways and bridges within the municipality. 1922, c. 72, s. 434.

Jurisdiction
of councils
over high-
ways.

445. The next preceding two sections shall not apply to roads or bridges owned by companies or individuals. 1922, c. 72, s. 435.

Exception
as to road
owned by
company,
etc.

446.—(1) The council of a county shall have jurisdiction over every

Jurisdiction
of county
councils
over roads
and bridges.

(a) Highway, bridge and boundary line assumed by the council;

(b) Bridge crossing a river, stream, pond or lake forming or crossing a boundary line between local municipalities other than a city or separated town in the county; and

(c) Bridge crossing a river or stream over 100 feet in width within the limits of a village in the county where the bridge forms part of a main highway leading through the county.

(2) The council may provide that the jurisdiction conferred upon it by clause (b) of subsection 1 shall not extend to bridges over rivers, streams, ponds or lakes, less than 80 feet in width, or of such width less than 80 feet, as may be specified in the by-law. 1922, c. 72, s. 436.

Power to
limit juris-
diction.

447. The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between counties shall have joint jurisdiction over such bridges. 1922, c. 72, s. 437.

Jurisdiction
over bridges
on county
boundaries.

448. The councils of the corporations whose duty it is to erect and maintain bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between a county and a city or separated town shall have joint jurisdiction over such bridges. 1922, c. 72, s. 438.

Over bridges
on boundaries
between
county and
city, etc.

Over bound-
aries between
local muni-
cipalities.

449. The councils of the local municipalities between which they run shall have joint jurisdiction over all boundary lines, whether or not they form also county boundary lines, which have not been assumed by the council of the county, and over the bridges on them except such bridges crossing rivers, streams, ponds or lakes forming or crossing such boundary lines as by the provisions of this Act are under the jurisdiction of another council or other councils. 1922, c. 72, s. 439.

Jurisdiction
where cor-
poration
owns bridge,
etc., in an-
other muni-
cipality.

450. Where a boulevard, drive or highway or a public avenue or walk is owned or has been opened and laid out or is under the authority of this Act assumed, or a bridge is owned or has been constructed or is under the authority of this Act assumed by the corporation of a municipality other than that in which it is situate the council of that corporation shall have jurisdiction over it. 1922, c. 72, s. 440.

Assumption
by villages
of bridges
under control
of county.

451.—(1) The council of a village may pass by-laws for the assumption by the corporation of the village, with the consent of, and on such terms and conditions as may be agreed on which the council of the county, of any bridge within the limits of the village and under the jurisdiction of the council of the county.

Effect of
by-law.

(2) When the by-law takes effect the bridge shall cease to be under the jurisdiction of the council of the county and shall come and thereafter remain under the jurisdiction of the council of the village, and shall be and remain toll free. 1922, c. 72, s. 441.

Approaches
to bridges.

452. The council having jurisdiction over a bridge shall have jurisdiction over the approaches to it for 100 feet next adjoining each end of the bridge. 1922, c. 72, s. 442.

Agreements
between
adjoining
municipalities
as to mainten-
ance of
boundary
road.

453.—(1) The corporations of adjoining municipalities may enter into an agreement for the maintenance and repair of any highway forming the boundary between such municipalities, including the bridges thereon which it is their duty to maintain and repair, whereby each of them may undertake, for a term of years not to exceed ten years, to maintain and keep in repair any portion of such highway for its whole width, and to indemnify and save harmless the other from any loss or damage arising from the want of repair of such portion.

Agreement
to be regis-
tered.

(2) When the agreement is confirmed by by-law of the council of each of the municipalities, the by-law shall be registered in the registry office of the registry division in which the highway is situate.

Effect of.

(3) After the registration of the by-law, each corporation shall have jurisdiction over that portion of the road which it has undertaken to maintain and keep in repair, and shall be

liable for the damages incurred by reason of neglect to maintain and keep the same in repair; and the other corporation shall be relieved from all liability in respect of its maintenance and repair. 1922, c. 72, s. 444.

454. Where the Lieutenant-Governor in Council by proclamation declares, which it shall be lawful for him to do, that any public road or bridge under the control of the Minister of Public Works and Highways shall not be under his control after a day named in the proclamation, such road or bridge shall after that day cease to be under the control of the Minister, and no tolls shall be collected thereon and the road or bridge shall be under the jurisdiction of the council of the local municipality in which it is situate, or if it is partly situate in two or more municipalities shall be under the jurisdiction of the councils of such municipalities, each having jurisdiction over the part which lies within its municipality, or if it lies between two or more municipalities shall be under the joint jurisdiction of their councils. 1922, c. 72, s. 445.

Proclamation bringing government road or bridge under jurisdiction of municipality.

455.—(1) The council of a county may by by-law assume as a county road any highway, or as a county bridge any bridge, within a town, not being a separated town, or within a village or township.

Assumption by county councils of highways, bridges and boundary lines.

(2) The by-law shall not take effect until assented to by the council of the town, village or township.

Assent.

(3) The council of a county may also by by-law assume as a county road any county or township boundary line.

County or township boundary.

(4) The council of a county may also by by-law assume as a county road any highway in a town, not being a separated town, or in a village or township which connects with a county road.

Connecting road in town.

(5) Where a highway is assumed under this section the bridges thereon shall also be assumed as county bridges.

Bridges on such highway.

(6) A by-law passed under the authority of this section may be at any time repealed by the council of the county.

Repeal of by-law.

(7) After the repeal of the by-law such highway or bridge shall cease to be under the jurisdiction of the council of the county and shall fall and be under the jurisdiction of the council or councils which had jurisdiction over it at the time of the passing of the by-law for assuming it. 1922 c. 72, s. 446.

Effect of repeal.

456.—(1) The council of a city or town may pass by-laws for assuming for the purpose of a public avenue or walk any highway in an adjacent local municipality and for acquiring so much land on either side of such highway as may be required to increase its width to not more than 100 feet.

Assuming highway in adjacent municipality as a public avenue or walk.

Assent
of other
council.

(2) The by-law shall not take effect unless or until it is assented to by by-law of the council of the adjacent municipality. 1922, c. 72, s. 447.

Abandonment
by county
of roads.

457.—(1) The council of a county may by by-law abandon the whole or any part of a toll road owned by the corporation of the county or of any other road owned by it, whether the road is situate wholly within the county or partly within it and partly within an adjoining county.

Clerk to
transmit
copies of
by-law.

(2) Forthwith after the passing of the by-law the clerk shall transmit by registered post to the clerk of every local municipality through or along or on the border of which the road runs, a copy of the by-law certified under his hand and the seal of the corporation to be a true copy.

Approval of
Municipal
Board.

(3) The by-law shall not take effect unless or until it is approved by the Municipal Board, nor shall it take effect as to the part of the road lying within or along or on the border of a local municipality whose council does not by by-law assent to the by-law.

Jurisdiction
after aban-
donment.

(4) From and after the taking effect of the by-law the council of a municipality within which any part of the road so abandoned lies shall have jurisdiction over that part of it which lies within the municipality, and where any part of a road so abandoned lies between or on the border of two or more local municipalities the councils of such municipalities shall have joint jurisdiction over that part of it.

Exception.

(5) Nothing in this section shall extend or apply to a bridge which under the provisions of this Act is to be maintained wholly or partly by the corporation of the county. 1922, c. 72, s. 448.

Bridges over
300 ft. in
length in
townships
and certain
towns may
be declared
county
bridges.

458.—(1) A bridge of a greater length than 300 feet in a town having an equalized assessment of less than \$1,000,000 or in a township may, on the application of the council of such town or township, be declared to be a county bridge where

- (a) It is used by the inhabitants of other municipalities;
- (b) It is situate on an important highway affording means of communication to several municipalities; and
- (c) On account of its length and for the reasons mentioned in clauses (a) and (b), it is unjust that the burden of maintaining and repairing it should rest upon the corporation of the town or township.

Order of
Judge.

(2) An order declaring the bridge to be a county bridge may be made by a judge of the county court of the county in which it is situate, on the application of the council of the town or township.

(3) Notice of the application shall be served on the corporation of the county, at least thirty days before the day on which it is to be made. Notice of application.

(4) Each corporation shall be entitled to be represented by counsel on the hearing of the application, and the evidence may, if the judge sees fit, and shall if either party so requests, be given under oath. Hearing.

(5) If the judge is of opinion that for the reasons mentioned in subsection 1, the bridge should be declared to be a county bridge, he shall by his order so declare, and in that case he shall determine whether the expense of maintaining and repairing the bridge shall be borne by the corporation of the county or partly by it and partly by the corporation of the town or township, and if he determines that it should be borne partly by each, he shall fix the proportions in which the expense is to be so borne, and his declaration and determination shall be embodied in the order. Power of judge.

(6) If the order declares the bridge to be a county bridge it shall be registered in the registry office of the registry division in which the bridge is situate. Registration of order.

(7) An appeal shall lie from the order of the Judge to a Divisional Court and the proceedings upon and incidental to the appeal shall be the same as in the case of an appeal from a Judge of that Court, sitting in Court. Appeal.

(8) If the order is reversed or varied by the order of the Divisional Court, or if an order declaring the bridge to be a county bridge is made by the Divisional Court, the order of that Court shall be registered as provided by subsection 6. Registration of order of divisional court.

(9) Where the order of the judge of the county court declares the bridge to be a county bridge, except where it is reversed, and subject to any variation of it on appeal, from and after the registration of the order, or where the order has been reversed and an order declaring the bridge to be a county bridge has been made by the Divisional Court from and after the registration of the order of the Divisional Court, the bridge shall be a county bridge. Effect of order after registration.

(10) Whenever any expenditure is made by the corporation of the county in maintaining or repairing the bridge a proportion of which the corporation of the town or township is by the order required to bear, that proportion of the expenditure shall be payable by the last named corporation to the corporation of the county on demand. Payment to county of proportion of maintenance.

(11) Where the application is dismissed, either by the order of the judge of the county court or by the order of the Divisional Court, a new application shall not be made until five years have elapsed from the date of the order, and any new application thereafter made may be dealt with with- When new application may be made.

out regard to the former order, and the preceding subsections shall apply *mutatis mutandis* to the application.

Approaches
—when to
form part
of bridge.

(12) In the case of a bridge crossing a river, stream, pond, or lake the approaches to the bridge whether consisting of embankments or other artificial works to the extent to which they are rendered necessary on account of the waters of the river, stream, pond or lake overflowing the highway on one or on both sides of the river, stream, pond or lake in times of freshets or at any other time, shall be deemed for the purpose of this section to form part of the bridge.

Application
of section
to construction
and
renewal of
bridge.

(13) This section shall also apply to a bridge which it is proposed to construct, including a bridge to replace an existing one and a bridge to replace one that has been carried away or destroyed or so damaged that it is necessary to rebuild it, and the application may be made before the work of construction is begun.

Determina-
tion by
judge as to
length of
bridge
required.

(14) In the case of an application to which the next preceding subsection applies it shall be the duty of the judge to consider and determine whether a bridge of the length of that which it is proposed to erect is necessary for the purpose for which it is to be erected, and if he is of opinion that a bridge of 300 feet or less will be sufficient for that purpose it shall be the duty of the judge so to determine and to refuse to make an order under this section.

Power to
agree as
to main-
tenance.

(15) In the case provided for by this section the council of the town or township and the council of the county may at any time enter into an agreement as to the proportions in which the cost of maintaining the bridge and keeping it in repair shall be borne by their respective corporations, or in a case to which subsection 13 applies as to the proportions in which the cost of constructing and maintaining the bridge and keeping it in repair shall be borne by their respective corporations.

What agree-
ment to
provide.

(16) The agreement shall provide that the bridge shall thereafter or after a day to be named be under the exclusive jurisdiction of the council of the county or remain under the jurisdiction of the council of the town or township.

Order of
judge em-
bodying
agreement.

(17) The terms of the agreement shall be embodied in an order of the Judge of the County Court which may be made upon the application of either corporation, and the order so made shall supersede any former order made by him.

Idem.

(18) If the agreement provides that the bridge is to come under the exclusive jurisdiction of the council of the county the order made under the next preceding subsection shall so declare.

Registration
of order.

(19) The order made under subsection 17 shall be registered as provided by subsection 6, and shall have the same effect as an order upon an application made under subsection

2, but the order shall not be subject to appeal. 1922, c. 72, s. 449.

459. The council of a county which assumes as a county road or bridge, any highway or bridge within a township, shall with as little delay as reasonably may be, and at the expense of the county cause the highway to be graded and drained and gravelled, macadamized, or surfaced or paved with other permanent material, or the bridge to be built in a good and substantial manner and shall maintain and keep the same in repair. 1922, c. 72, s. 450.

Highways assumed by county to be planked, gravelled, etc.

460. The council of the county shall cause to be built and maintained at the expense of the corporation of the county the bridges mentioned in clauses (b) and (c) of subsection 1 of section 446. 1922, c. 72, s. 451.

County to build and maintain certain bridges.

461. Where a river, stream, pond or lake forms or crosses a boundary line between two or more counties, it shall be the duty of the corporations of the counties, and where it forms or crosses a boundary line between a county and a city or a separated town, it shall be the duty of the corporations of the county and the city or separated town, to erect and maintain bridges over such river, stream, pond or lake. 1922, c. 72, s. 452.

Maintenance of bridges on county boundary lines.

462.—(1) Boundary lines between local municipalities, including those which also form county boundary lines, shall be maintained by the corporations of such municipalities, and they shall also erect and maintain all necessary bridges on such boundary lines.

Maintenance of boundary lines.

(2) Subsection 1 shall not apply to boundary lines assumed by the council of the county or to such bridges as are under the provisions of this Act to be erected or maintained by another corporation. 1922 c. 72, s. 453.

Exceptions.

463. Where the council of a county passes a by-law under subsection 2 of section 446 it shall be the duty of the councils of the local municipalities to erect and maintain all necessary bridges from the erection and maintenance of which the council of the county is relieved by the by-law. 1922, c. 72, s. 454.

Local municipalities to erect and maintain certain bridges.

464. All boundary lines, and all bridges over rivers, streams, ponds or lakes forming or crossing a boundary line between two or more local municipalities in a provisional judicial district shall be erected and maintained by the corporations of such municipalities and their councils shall have joint jurisdiction over them; and if the councils fail to agree as to the proportion of the expense to be borne by each corporation the same shall be determined by arbitration. 1922, c. 72, s. 455.

Maintenance of boundary lines and bridges in provisional judicial district.

Driftwood in Streams.

Keeping
rivers free
from drift-
wood, etc.

465.—(1) Where a river or stream forms a boundary line between two or more municipalities in a county, the corporation of the county shall keep it free from all accumulations of driftwood or fallen timber.

What cor-
porations to
perform the
work and
apportionment
of expense.

(2) Where the river or stream forms a boundary line between two or more counties, the duty mentioned in subsection 1 shall be performed by the corporations of the counties, and where the river or stream forms the boundary line between a county and a city or separated town, shall be performed by the corporation of the county and the corporation of the city or separated town, and in case of failure to agree in either case, as to the share or proportion of the expense incurred in performing the duty to be borne by them respectively, the same shall be determined by arbitration. 1922, c. 72, s. 456.

Keeping
stream free
from logs,
brush, etc.,
in township.

466.—(1) Where a stream or creek is cleared of all logs, brush or other obstructions to the boundary line between a township and an adjoining township into which the stream or creek flows, the council of the township in which the stream or creek has been so cleared may give notice in writing to the corporation of such adjoining township requesting in council to clear such stream or creek through the municipality.

Notice
requiring
other town-
ship to re-
move ob-
structions.

(2) It shall be the duty of such last mentioned corporation, within six months after the service of the notice, to enforce the removal of all obstructions in such stream or creek within the municipality, to the satisfaction of any person whom the council of the county in which the municipality whose council gave the notice is situate, appoints to inspect the same.

Effect of
failure to
perform
duty.

(3) If the corporation receiving the notice neglects to perform such duty, and by reason of its neglect any highway or bridge in either of the townships becomes out of repair, the corporation in default, and that corporation only, shall be responsible for the damages sustained by any person by reason of such want of repair. 1922, c. 72, s. 457.

Deviations
of bound-
ary lines.

467. Where, on account of physical difficulties or obstructions existing on a boundary line between municipalities, and in order to obtain a better line of road, a road has been heretofore or is hereafter laid out and opened which does not follow the course of such boundary line throughout, but in some place or places so deviates from it as to lie wholly within one of the municipalities, such road shall nevertheless be deemed to be, for the purposes of this Act, the boundary line between the municipalities; and a river, stream, pond or lake which crosses it where it so deviates shall be deemed to be a

river, stream, pond or lake crossing a boundary line within the meaning of this Act. 1922, c. 72, s. 458.

468.—(1) Every iron, steel, concrete or stone bridge constructed by the corporation of a county, and every such bridge exceeding twenty feet (20) clear span constructed by the corporation of a township shall be designed and built in accordance with general specifications approved by the Department of Public Highways. Specifications for certain bridges.

(2) Plans in duplicate for any such bridges may be submitted by the council of any county or township to the Department of Public Highways, and if they are found to be in accordance with such approved general specifications the certificate of the Department shall be attached, and one of such plans shall be returned to the clerk of such county or township. 1922, c. 72, s. 459. Duplicate plans to be submitted.

469.—(1) Every highway and every bridge shall be kept in repair by the corporation the council of which has jurisdiction over it, or upon which the duty of repairing it is imposed by this Act, and in case of default, the corporation shall be liable for all damages sustained by any person by reason of such default. 1922, c. 72, s. 460 (1); 1927, c. 61, s. 50. Liability for repair of public roads, etc. Rev. Stat. c. 103.

(2) No action shall be brought against a corporation for the recovery of damages occasioned by such default, whether the want of repair was the result of nonfeasance or misfeasance, after the expiration of three months from the time when the damages were sustained. Limitation of actions.

(3) Except in case of gross negligence a corporation shall not be liable for a personal injury caused by snow or ice upon a sidewalk. Snow or ice on sidewalks.

(4) No action shall be brought for the recovery of the damages mentioned in subsection 1 unless notice in writing of the claim and of the injury complained of has been served upon or sent by registered post to the head, or the clerk of the corporation, in the case of a county or township within ten days, and in the case of an urban municipality within seven days after the happening of the injury, nor unless where the claim is against two or more corporations jointly liable for the repair of the highway or bridge, the prescribed notice was given to each of them within the prescribed time. Notice of action.

(5) In case of the death of the person injured, failure to give notice shall not be a bar to the action, and, except where the injury was caused by snow or ice upon a sidewalk, failure to give or insufficiency of the notice shall not be a bar to the action, if the court or judge before whom the action is When dispensed with.

tried is of the opinion that there is reasonable excuse for the want or insufficiency of the notice and that the corporation was not thereby prejudiced in its defence.

To what roads applicable.

(6) This section shall not apply to a road, street or highway laid out or to a bridge built by a private person or by a body corporate until it is established by by-law of the council or otherwise assumed for public use by the corporation.

When corporation not responsible for acts of others.

(7) Nothing in this section shall impose upon a corporation any obligation or liability in respect of any act or omission of any person acting in the exercise of any power or authority conferred upon him by law, and over which the corporation had no control, unless the corporation was a party to the act or omission, or the authority under which such person acted was a by-law, resolution or license of its council.

When corporation not liable for damages.

(8) A corporation shall not be liable for damages under this section unless the person claiming the damages has suffered by reason of the default of the corporation a particular loss or damage beyond what is suffered by him in common with all other persons affected by the want of repair.

Relief from obligation to rebuild.

(9) Where a bridge which it is the duty of a corporation to repair is destroyed or so damaged that it is necessary to rebuild it the Municipal Board may, upon the application of the corporation, relieve it from the obligation to rebuild the bridge, if the Board is satisfied that it is no longer required for the public convenience or that the re-building of it would entail a larger expenditure than would be reasonable having regard to the use that would be made of the bridge if it were re-built.

Conditions of granting relief.

(10) The relief may be granted on such terms and conditions as the Board may deem just, and such notice of the application shall be given as the Board may direct.

Costs of pending actions.

(11) The next preceding two subsections shall not affect the costs of any pending action. 1922, c. 72, s. 460 (2)-(11).

Effect of approval of plan. Rev. Stat. c. 236.

470. The approval by the council of a municipal corporation of a plan under *The Planning and Development Act* shall not be deemed to be an assumption for public use by the corporation of the highways shown on the plan so as to render the corporation liable for repair, or for damages resulting from non-repair within the meaning of section 469. 1923, c. 41, s. 10.

Issue of debentures for re-flooring bridge.

471. The corporation of a city or town in which an iron, steel or concrete bridge is constructed, may pass a by-law authorizing the issue of and may issue debentures to pay the cost of re-flooring the same, for any term not exceeding ten years and at such rate of interest as the council may determine,

provided that such by-law is passed by a vote of two-thirds of all the members of the council and is approved by the Municipal Board. 1925, c. 59, s. 21.

472.—(1) Where two or more corporations are jointly liable for keeping in repair a highway or bridge, there shall be contribution between them as to the damages sustained by any person by reason of their default in so doing. Apportionment of damages.

(2) Any action by any such person shall be brought against all such corporations, and any of them may require that the proportions in which such damages and the costs of the action are to be borne by them shall be determined in the action. Action to be against all corporations.

(3) In settling such proportions, either in the action or otherwise, regard shall be had to the extent to which each corporation was responsible, either primarily or otherwise, for the act or omission by reason of which the damages became payable or are recoverable and the damages and costs shall be apportioned between them accordingly. 1922, c. 72, s. 462. What to be taken into account.

473.—(1) Where an action may be brought against a corporation by a person who has sustained damages by reason of its default in keeping in repair a highway or bridge, no action shall be brought by him in respect of it or to recover such damages, or any part of them against any member of the council or officer or employee of the corporation personally, but the remedy therefor shall be against the corporation. Members of council and employees not liable for non-repair of highways.

(2) A mere contractor with the corporation or an officer or employee who is such contractor, by reason of whose act or omission the damages were caused, shall not be deemed an employee within the meaning of subsection 1. 1922, c. 72, s. 463. Contractors not deemed employees.

474.—(1) Where an action is brought to recover damages sustained by reason of any obstruction, excavation or opening in or near a highway or bridge placed, made, left or maintained by any person other than the corporation or a servant or agent of the corporation, or by reason of any negligent or wrongful act or omission of any person other than the corporation or a servant or agent of the corporation, the corporation shall have a remedy over against such other person for, and may enforce payment of the damages and costs which are recovered against the corporation. Remedy over, for damages caused by non-repair against persons causing same.

(2) The corporation shall be entitled to such remedy over in the same action, if the other person is a party to the action and it is established in the action as against him that the damages were sustained by reason of an obstruction, excavation, or opening so placed, made, left or maintained by him. Remedy over in same action.

Adding
party de-
fendant.

(3) The corporation may in such action have the other person, if not already a defendant, added as a party defendant or third party for the purposes of the remedy over; and such person may defend the action as well against the plaintiff's claim as against the claim of the corporation.

Where per-
son causing
damage has
not been
made a party.

(4) If such person is not a party defendant, or is not added as a party defendant or third party, or if the corporation has paid the damages before an action is brought to recover the same, or before a recovery thereof in an action against the corporation, the corporation shall have the remedy over, by action against such person, but he shall be deemed to admit the validity of the judgment obtained against the corporation, only where a notice has been served on him, pursuant to Rules of Court, or where he has admitted, or is estopped from denying the validity of such judgment.

When a
fresh action
is necessary.

(5) Where such notice has not been served, and there has been no such admission or estoppel, and such person has not been made a party defendant or third party to the action against the corporation, or where the damages have been paid without action, or without recovery of judgment against the corporation, the liability of the corporation for such damages, and the fact that the damages were sustained under such circumstances as to entitle the corporation to the remedy over, must be established in the action against such person to entitle the corporation to recover in the action. 1922, c. 72, s. 464.

Determination
of disputes
as to duty to
erect and
maintain
bridge or
repair
highway.

475.—Whenever there is a dispute between the councils of any two or more corporations as to the corporation on which the obligation to build and maintain or to build or maintain a bridge or to keep in repair a highway rests, the Supreme Court may upon the application of any or either of the corporations determine the matter in dispute on an originating motion; or the Court, if of opinion that the matter in dispute cannot satisfactorily be determined on an originating motion, or that for any other reason it ought not to be so determined, may direct that an action may be brought or that an issue be tried for the purpose of determining the matter in dispute, and the Court may in either case compel by mandamus the performance of the obligation by the corporation upon which it is found to rest. 1922, c. 72, s. 465 (1).

Disputes as
to apportion-
ment of cost
of erecting or
maintaining.

476. Except in the cases provided for by section 479, where the dispute is as to the proportions in which the corporations should contribute to the cost of erecting and maintaining or of erecting or maintaining a bridge or of keeping in repair a highway, the matter in dispute shall be determined by arbitration. 1922, c. 72, s. 465 (2).

477.—(1) Where an allowance for road was not re-
served in the original survey on a township boundary or
part of it, the councils of the townships may establish and
lay out a highway on such boundary or part of it.

Laying out
highway
where no
original
allowance.

(2) The councils of any or either of the municipalities
may pass a by-law for establishing and laying out such a
highway and for acquiring the land requisite for the one-
half of it which lies within the limits of its municipality.

Passing
by-law for.

(3) The clerk shall within four days after the passing of
the by-law transmit by registered post to the clerk of each of
the other townships a copy of the by-law certified under his
hand and the seal of the corporation to be a true copy.

Copy of by-law
to be sent to
other town-
ships.

(4) If the other council or councils do not within six
months after such notice pass a by-law or by-laws in similar
terms, the council by which the by-law was passed may re-
quire the question of establishing and laying out the pro-
posed highway to be determined by arbitration.

Arbitration.

(5) The arbitrators shall determine whether or not the
proposed highway shall be established and laid out, and if
they determine that it shall be established and laid out they
shall also determine in what proportions the cost of the site
of it shall be borne by each of the corporations.

Power of
arbitrators.

(6) If it is determined by the arbitrators that the pro-
posed highway shall be established and laid out, the other
councils shall forthwith after notice of the award pass the
necessary by-laws for establishing and laying out the pro-
posed highway and for acquiring the land requisite for
the one-half of it which will lie within the limits of their
respective municipalities, and for otherwise carrying out
the provisions of the award, and shall proceed with all rea-
sonable despatch to carry into effect the provisions of the
by-law.

Duties of
other town-
ships when
arbitrators
determine
that high-
way should
be laid out.

(7) If it is determined by the arbitrators that the pro-
posed highway shall not be established and laid out, no fur-
ther proceedings shall be taken under this section within
two years from the date of the award or within such time
not exceeding in all four years, as the arbitrators may by
their award determine. 1922, c. 72, s. 466.

Effect of
determina-
tion against
laying out
highway.

478.—(1) Where a highway or bridge is under the joint
jurisdiction of the councils of two or more municipalities and
they are unable to agree as to any action which one or more
of them desire to be taken in the exercise of such joint jur-
isdiction, any of them may require that the matter in dispute
shall be determined by arbitration, and in that case shall
prepare a draft by-law for carrying into effect what it is de-
sired shall be done, and serve a copy of it on the clerk of the
other municipalities with a notice that it is its desire that
such a by-law shall be passed.

Disputes as
to bridges
or highway
to be settled
by arbitra-
tion.

Award.

(2) If it is determined by the arbitrators that what is proposed ought to be done, they shall by their award so direct, and in that case each council shall forthwith after notice of the award pass a by-law in accordance with the draft by-law and shall, without unnecessary delay, do all things which on its part are necessary for carrying into effect the objects of the by-law. 1922, c. 72, s. 467.

Determination by county council of disputes as to opening or maintaining township boundary lines.

479.—(1) Where the councils of the townships having joint jurisdiction over a township boundary line fail to agree as to the character of the work to be done in opening, maintaining or repairing it, or as to the proportions in which the cost of the work is to be borne by the corporations of the townships respectively, any or either of such councils may apply to the council of the county to determine the matters in dispute.

Enforcement by county of opening up or repair on petition of ratepayers.

(2) Where the township councils having the joint jurisdiction over it neglect or refuse to open up and make, maintain and keep in repair any such boundary line, a majority of the ratepayers resident on land abutting on it may apply to the council of the county to enforce the opening up and the making, maintaining and keeping in repair of such boundary line.

What matters to be determined by county council.

(3) The application shall be by petition and the council of the county after notice to all the corporations interested and after hearing them and the petitioning ratepayers, if the petition is by ratepayers, or such of them as desire to be heard, shall determine in the case provided for by subsection 1, what work shall be done and the proportions in which the cost of it shall be borne by the corporations of the townships respectively, and in the case provided for by subsection 2 whether the boundary line shall be opened up and the proportions in which the corporations of the townships shall respectively bear the cost of opening up, making, maintaining and keeping in repair the boundary line, and in either case may direct that the statute labour or part of it shall be applied by each of the corporations for such purposes.

Appointment of commissioners to enforce order.

(4) The determination and direction of the council of the county shall be embodied in an order or resolution, and the council shall appoint one or more commissioners to execute and enforce any direction so made.

Townships to have opportunity of doing the work.

(5) If the councils of the townships intimate to the council of the county or to the commissioners their intention to proceed with the work directed to be done and to conform to the direction of the council of the county, the commissioners shall delay proceeding to carry out the work directed to be done for a reasonable time to enable the

township councils to do it, but if the work is not proceeded with with such despatch as the commissioners deem necessary they shall themselves complete the work.

(6) The cost of any work done by the commissioners shall be by them apportioned between the corporations of the townships in accordance with the order or resolution of the council of the county, and the commissioners shall certify to the treasurer of the county the amount payable by each of such corporations, and the treasurer shall retain the same out of any money in his hands belonging to the corporation, but if there is not in the hands of the treasurer any such money or not sufficient to pay the amount payable by the corporation, the amount payable or the amount of the deficiency, as the case may be, shall be added to the county rate payable by the corporation in default.

Apportionment of and collection of cost of work of commissioners.

(7) This section shall not apply to a township boundary line which is also a county boundary line. 1922, c. 72, s. 468.

County boundaries not affected.

480. Where the councils of the townships having joint jurisdiction over a county boundary line are unable to agree as to—

Determination by Municipal Board of disputes as deviation of county boundary lines.

- (a) The necessity for a deviation of the road from the boundary line, or
- (b) The location of the deviation, or
- (c) The use of an existing highway in lieu of a deviation, or
- (d) The proportions in which the cost of opening, making and maintaining the deviation or the existing highway to be used in lieu of a deviation, is to be borne,

any of the councils may apply to the Municipal Board to determine the matter in dispute, and the Board or any member of it, after notice to the corporations interested and hearing such of them as desire to be heard, shall determine the matter in dispute and may make such order as may be deemed just, and such order shall be final and not subject to appeal. 1922, c. 72, s. 649.

481.—(1) The Ontario Motor League may, at its own expense and subject to such regulations as the council of the municipality may prescribe, erect and maintain guide posts at road intersections and mile posts on the highways to indicate distances and danger signals at hills which may be deemed to be dangerous or unsafe for travellers.

Power of Ontario Motor League to erect guide and mile posts, etc.

(2) Every such guide post, mile post and danger signal shall be so placed as not to obstruct the highway or to endanger the safety of travellers, and nothing shall appear on or

How same to be erected.

be affixed or attached to it, but a notice indicating the purpose which the guide post, mile post or danger signal is designed to serve.

Penalty.

(3) Every person who contravenes any of the provisions of subsection 2 shall incur a penalty of \$5 for every such contravention.

Defacing
posts
erected.

(4) No person shall cut, throw down, injure or deface any such guide post, mile post or danger signal, and for every contravention of this subsection the person offending shall incur a penalty not exceeding \$50. 1922, c. 72, s. 470.

Powers of
C.W.A. as
to erection
of guide
posts, etc.

482. The Canadian Wheelman's Association of the Dominion of Canada shall have the like power as is by the next preceding section conferred on the Ontario Motor League, and all the provisions of that section shall apply to guide posts, mile posts and danger signals erected or maintained by the Association; but where either the League or the Association has exercised the powers conferred upon it upon any part of a highway the other shall not have the right to exercise its powers thereon. 1922, c. 72, s. 471.

Establish-
ing, widening,
stopping up,
etc., highways,
laying out
boulevards,
etc.

483.—(1) The council of every municipality may pass by-laws,

- (a) For establishing and laying out highways;
- (b) For widening, altering or diverting any highway or part of a highway;
- (c) For stopping up any highway or part of a highway and for leasing or selling the soil and freehold of a stopped up highway or part of a highway;
- (d) For setting apart and laying out such parts as may be deemed expedient of any highway for the purpose of carriage ways, boulevards and sidewalks, and for beautifying the same, and making regulations for their protection;
- (e) For permitting subways for cattle under and bridges for cattle over any highway. 1922, c. 72, s. 471 (1).
- (f) For acquiring land or an interest in land at street intersections for the purpose of rounding corners. 1924, c. 53, s. 24.

Exceptions
as to exer-
cise of power.

(2) Nothing in subsection 1 shall authorize a council to interfere with any public road or bridge vested in the Crown in right of Ontario or in any public Department, Board or officer of Ontario.

Approval of
Lieutenant-
Governor
to by-law.

(3) A by-law passed under the authority of clause (b) or clause (c) of subsection 1 in respect of an allowance for road reserved in the original survey along or leading to the bank of any river or stream or on the shore of any lake or other

water shall not take effect until it has been approved by the Lieutenant-Governor in Council.

(4) The powers conferred by subsection 1 shall not be exercised without the consent of the Governor-General in Council in respect of, Approval of Governor-General to by-law.

- (a) Any street, lane or thoroughfare made or laid out by His Majesty's Ordinance or the Principal Secretary of State in whom the Ordinance estates became vested under the Act of the late Province of Canada passed in the 19th year of the reign of Her late Majesty Queen Victoria, Chapter 45, or under Chapter 24 of the Consolidated Statutes of Canada, or made or laid out by the Government of Canada;
- (b) Any land owned by the Crown in right of the Dominion of Canada;
- (c) Any bridge, wharf, dock, quay or other work vested in the Crown in right of the Dominion of Canada;

or so as to interfere with any land reserved for military purposes or with the integrity of the public defences, and the consent of the Governor-General in Council shall be recited in the by-law, but the by-law shall not be quashed or open to question because of the omission to recite it if the consent has been in fact given.

(5) The powers conferred by clause (c) of subsection 1 shall not be exercised by the council of a county in respect of a highway or part of a highway within the limits of a city, town or village in or adjoining the county. Limitation of power of county.

(6) A by-law of the council of a township, passed under the authority conferred by clause (c) of subsection 1, in the case of a township in unorganized territory, shall not have any force unless and until approved by a judge of the district Court of the district in which the township is situated, and in other cases unless and until confirmed by a by-law of the council of the county in which the township is situated passed at an ordinary meeting of the council held not sooner than three months or later than one year after the passing of the by-law of the council of the township. Approval of district judge or county council to township by-law.

(7) The council may, in any by-law closing a highway provide that the same shall only be closed for vehicular traffic and not for pedestrian traffic or *vice versa*, and may provide for the erection of barricades to enforce the due observance thereof. 1922, c. 72, s. 472 (2-7). Closing of street to vehicular traffic only.

(NOTE.—See *Highway Improvement Act*, Rev. Stat. c. 54, s. 71 as to consent of Lieutenant-Governor to closing of highway connecting with Provincial Highway.)

Right of
ingress and
egress not
to be taken
away by
closing road.

484.—(1) A by-law shall not be passed for stopping up, altering or diverting any highway or part of a highway if the effect of the by-law will be to deprive any person of the means of ingress and egress to and from his land or place of residence over such highway or part of it unless in addition to making compensation to such person, as provided by this Act, another convenient road or way of access to his land or place of residence is provided.

By-law,
when to
take effect.

(2) The by-law shall not take effect until the sufficiency of such road or way of access has been agreed upon or unless and until, if not agreed upon, its sufficiency has been determined by arbitration as hereinafter mentioned.

Arbitration
to deter-
mine suffi-
ciency of
road.

(3) If such person disputes the sufficiency of the road or way of access provided, the sufficiency of it shall be determined by arbitration under this Act, and if the amount of compensation is also not agreed upon both matters shall be determined by one and the same arbitration.

By-law void
if road in-
sufficient.

(4) If the arbitrators determine that the road or way of access provided is insufficient they may by their award determine what road or way of access should be provided, and in that case, unless such last mentioned road or way of access is provided, the by-law shall be void and the corporation shall pay the costs of the arbitration and award. 1922, c. 72, s. 473.

Possession
of unopened
road allow-
ance.

485.—(1) A person in possession of and having enclosed with a lawful fence that part of an original allowance for road upon which his land abuts which has not been opened for public use by reason of another road being used in lieu of it or of another road parallel or near to it having been established by law in lieu of it shall as against every person except the corporation the council of which has jurisdiction over the allowance for road be deemed to be legally possessed of such part until a by-law has been passed by such council for opening it.

Notice of
by-law to
be given.

(2) No such by-law shall be passed until notice in writing of the intention to pass it has been given to the person in possession, at least eight days before the meeting of the council at which the by-law is to be taken into consideration. 1922, c. 72, s. 474.

Publication
of by-law,
etc.

486.—(1) Before passing a by-law for stopping up, altering, widening, diverting, selling or leasing a highway or for establishing or laying out a highway,

(a) Notice of the proposed by-law shall be published at least once a week for four successive weeks, and in the case of a village or township shall be posted up for at least one month in six of the most public places in the immediate neighbourhood of the highway or proposed highway, and

(b) The council shall hear in person or by his counsel, solicitor or agent any person who claims that his land will be prejudicially affected by the by-law and who applies to be heard.

(2) The clerk shall give the notices upon payment, by the applicant, if any, for the by-law, of the reasonable expenses to be incurred in so doing. 1922, c. 72, s. 475. Notices.

487. Where the owners of and other persons interested in the land required to be taken for the highway consent in writing to the passing of the by-law for establishing and laying it out, or where such land has been acquired by the corporation, section 486 shall not apply to the by-law. 1922, c. 72, s. 476. When publication of by-law not required.

488.—(1) Where an allowance for a sideline road between lots in a double front concession in a township was so run in the original survey that the line in the front half of the concession does not meet the line in the rear half, the council of the township may open and lay out a road to connect the ends of such lines where they do not so meet. Side lines in double front concessions.

(2) The by-law shall provide that the road shall be opened and laid out in accordance with a survey to be made by an Ontario Land Surveyor named in the by-law. Term of by-law.

(3) A judge of the county or district court of the county or district in which the township is situate, on the application of any person over whose land the connecting road will pass who objects to the surveyor appointed by the by-law may appoint another Ontario Land Surveyor in the place of the one so appointed. Appointment of another surveyor by judge.

(4) The application shall be made within one month after the service of the copy of the by-law on the applicant and at least five days' notice of the time when and the place where it will be heard by the judge shall be served upon every other person over whose land the connecting road will pass and upon the clerk of the municipality. Application for appointment.

(5) The surveyor appointed by the by-law or, if another is appointed by the judge in his place, the surveyor so appointed shall determine the compensation to be paid to the persons whose lands are taken for the connecting road, and the amount so determined shall be paid to them by the corporation of the township. Compensation, determination as to.

(6) The determination of the surveyor as to the compensation shall be final. 1922, c. 72, s. 477. Determination, final.

489.—(1) Where the council of a municipality desiring to open an original allowance for road has by mistake opened a road which was intended to be, but is not wholly Mistakes in opening road allowances.

or partly, upon such allowance, the land occupied by the road as so opened shall be deemed to have been expropriated under a by-law of the corporation, and no person on whose land such road or any part of it was opened shall be entitled to bring or maintain an action for or in respect of what was done or to recover possession of his land, but he shall be entitled to compensation under and in accordance with the provisions of this Act as for land expropriated under the powers conferred by this Act.

When right
to com-
pensation
barred.

(2) The right to compensation shall be forever barred if the compensation is not claimed within one year after the land was first taken possession of by the corporation. 1922, c. 72, s. 478.

Sanction
of council
to laying
out of high-
ways.

490.—(1) No highway shall be laid out in any municipality without the sanction of the council of the municipality.

Width of
highways.

(2) No highway less than 66 feet in width or, except in a city or town, more than 100 feet in width, shall be laid out by the council of the municipality without the approval of the Municipal Board or by any owner of land without the approval of the council of the municipality and of the Municipal Board.

Rev. Stat.
c. 236.

(3) Nothing in this section shall affect the provisions of *The Planning and Development Act*.

Assent of
council or
judge
required.

(4) Subsection 2 shall not apply to a township in unorganized territory, and a highway less than 66 feet in width may be laid by the council of any such township subject to and in accordance with the regulations of the Department of Lands and Forests. 1922, c. 72, s. 479.

Agreement
for removal
of obstruc-
tions to view
of drivers.

491.—(1) The council of any municipality may enter into an agreement with the owner of land adjacent to the intersection of any two highways under the jurisdiction of the council for the removal or alteration of any tree, shrub, bush, hedge, fence, signboard or other object on said land which may obstruct the view of drivers of vehicles or pedestrians on the highway when approaching such intersection.

Application
to judge
for order.

(2) If the council is unable to make an agreement as provided in subsection 1, it may apply to the judge of the county court of the county in which the said land is situated for an order compelling the removal or alteration of any object in respect to which the application is made, upon such notice to the owner of the land affected as the said judge may direct, and the judge may make an order, subject to the payment of such compensation or upon such other conditions as he may fix, compelling the owner of the land to remove or alter such object, or authorizing the municipal corporation to re-

move or alter the same and for that purpose to enter upon the said land, and *The Judges' Orders Enforcement Act* shall apply to such an order. 1927, c. 61, s. 51. Rev. Stat. c. 111.

492. The council of an urban municipality may pass by-laws for regulating the erection or occupation of dwelling houses on narrow streets, lanes or alleys or in crowded or unsanitary districts. 1922, c. 72, s. 480. Dwelling houses on narrow streets.

493. The council of a city having a population of not less than 50,000 may pass by-laws for Power to regulate and prohibit erection of dwelling houses.

1. Prohibiting the erection or occupation of dwelling houses on highways, lanes or alleys of less width than that prescribed by the by-law;
2. Prescribing the minimum area of vacant land which shall be attached to and used with any dwelling house thereafter erected, as the courtyard or curtilage of it;
3. Prohibiting the erection of dwelling houses or the alteration of other buildings for the purpose of adapting them for use as dwelling houses, if the same front on a highway less than 40 feet in width, unless the street has been established as a highway by by-law of the council or otherwise assumed for public use by the corporation. 1922, c. 72, s. 481.

494. By-laws may be passed—

(1) By the council of every municipality for granting aid to the corporation of any immediately adjoining municipality towards opening, widening, maintaining or improving any highway within such municipality, or constructing, maintaining or improving any bridge therein. Granting aid for opening or improving, etc., highways.

(2) By the council of every local municipality for granting aid to the corporation of the county in which the municipality is situate towards opening and making any new road on the boundary of the municipality or constructing any new bridge on such boundary line. 1922, c. 72, s. 482 (1, 2). By local municipalities to county.

(3) By the councils of cities, towns and villages for granting aid to the corporation of a township in the county in which the city, town or village is territorially situate or in an adjoining county towards opening, widening, maintaining or improving any highway in such township which constitutes or is to constitute or forms or is to form part of a highway leading to such city, town or village, or towards constructing, maintaining or improving any bridge forming or which is to form part of such highway. 1922, c. 72, s. 482 (3); 1926, c. 52, s. 12. By cities, towns and villages to township.

By counties
for boundary
lines.

(4) By the councils of counties for granting aid towards making, improving or maintaining any county or township boundary line.

By counties
to towns,
villages and
townships.

(5) By the councils of counties for granting aid to the corporation of any town, village or township towards,

(a) Opening any new highway or constructing any new bridge in the municipality;

(b) Opening, widening, maintaining or otherwise improving any highway leading from or passing through the municipality into a county road, or constructing, maintaining or improving any bridge forming, or which is to form, part of such highway.

By townships
to county.

(6) By the councils of townships

(a) For granting aid to the corporation of a county adjoining that in which the township is situate towards opening, widening, maintaining or improving any highway lying between the township and another municipality in the adjoining county, or towards constructing, maintaining or improving any bridge on such highway;

(a) For granting aid to the corporation of a county situate in respect of any highway or bridge within the township assumed as a county road or bridge or agreed to be so assumed on condition that such aid shall be granted.

By townships
in unorgan-
ized terri-
tory.

(7) By the council of a township in unorganized territory for opening, widening, maintaining or improving any highway or constructing, maintaining or improving any bridge in an adjoining municipality or in a municipality situate in such adjoining municipality or in an adjoining unorganized township or in adjoining unsurveyed territory or for granting aid to any adjoining municipality or to any municipality situate in such adjoining municipality for any of such purposes.

Character
of aid.

(8) The aid may be granted by way of loan or otherwise. 1922, c. 72, s. 482 (4-8).

495. By-laws may be passed by the council of every municipality:

Boulevards.

1. For setting apart portions of the highways at or near the sides of them for the purpose of boulevards, and for permitting the owners of land abutting on a highway to construct, make and maintain at their own expense boulevards on that part of the highway which may be set apart for that

purpose, but not so as unreasonably to confine, impede or incommode public traffic.

2. For regulating the construction, maintenance and protection of such boulevards. Regulations.

3. For permitting the owners of land to make, maintain and use areas under and openings to them in the highways and sidewalks and for permitting the owners of land abutting on one side of a highway to construct, maintain and use a bridge or other structure over, across or under the highway for the purpose of access to land owned by such owners on the other side of the highway; for prescribing the terms and conditions upon which the same shall be made, constructed, maintained and used, and for making such annual or other charge for the privilege conferred by the by-law as the council may deem reasonable. Areas and openings under highways.

(a) Such annual or other charge shall be payable and payment of it may be enforced in like manner as taxes are payable and payment of them may be enforced. Annual charge for.

(b) The corporation shall be liable for any want of repair of the highway which may result from the construction, maintenance and use of any such area or opening, bridge or structure, but shall be entitled to the remedy over provided for by section 474 against the person by whose act or omission the want of repair is caused. Liability of corporation for damages.

4. For setting apart so much of any highway as the council may deem necessary for the purposes of a bicycle path or of a foot path. Bicycle and foot paths.

(a) Any person who rides or drives a horse or other beast of burden or a motor vehicle, waggon, carriage or cart over or along any such path shall incur a penalty of not less than \$1 or more than \$20. 1922, c. 72, s. 483, pars. 1-4.

5. Subject to the rights of a Crown timber licensee under *The Crown Timber Act*, for preserving or selling the timber or trees on any original allowance for road. Selling timber on road allowance. Rev. Stat. c. 38.

6. For making regulations as to pits, precipices and deep waters and other places dangerous to travellers. Regulations re pits, precipices, etc.

7. For acquiring either alone or jointly with the corporation of another municipality such land in either municipality as may be deemed necessary for procuring therefrom stone or gravel for use in making, maintaining or repairing the highways under the jurisdiction of the council or councils. Stone and gravel pits.

Power to enter upon land to take timber, gravel, etc.

8. For entering upon and searching for and taking from land within the municipality, or with the consent of the council of an adjacent municipality expressed by by-law or resolution from land in such municipality, such timber, gravel, stone or other material as may be necessary for constructing, maintaining and keeping in repair the highways and bridges;

Compensation—how determined.

(a) The compensation to be paid to the owners of and other persons interested in the land for the timber, gravel, stone or other material shall be agreed upon or determined by arbitration before the power to take it is exercised.

Idem—how computed.

(b) The compensation may be a lump sum for the privilege of taking as much timber, stone, gravel or other material as may be required, or a sum determined by the quantity taken, or a price by the cubic yard or otherwise for what may be taken, as may be agreed on or be determined by the arbitrators.

Right to pass over lands.

(c) Where it is necessary in the exercise of any of the powers conferred by the by-law to pass through or over the land of another person, the corporation may do so as occasion may require, doing no unnecessary damage, but before doing so the compensation to be paid for the exercise of such power shall be agreed upon or determined by arbitration. 1922, c. 72, s. 483, pars. 7-10.

NOTE.—*See also Highway Improvement Act and Public Lands Act.*

Purchasing or renting road making machinery.

496. The council of every municipality may pass by-laws for purchasing conditionally, or otherwise, or for renting for a term of years or otherwise, roadmaking machinery and appliances for the purposes of the corporation, and for borrowing money for the purpose of paying the purchase price for any period not exceeding five years and for issuing debentures for the money so borrowed, or for issuing to the vendor debentures payable within that period in payment of the purchase money.

(a) The debentures issued under this paragraph shall be on the instalment plan. 1922, c. 72, s. 483, par. 11.

Taking stock in bridge company.

497. The council of every municipality may pass by-laws for subscribing for any number of shares in the capital stock of or for lending money to or guaranteeing the payment of any money borrowed by a bridge company incorporated for the purpose of erecting and maintaining any bridge within, or partly within, the municipality or between it and another municipality. 1922, c. 72, s. 484.

498. The council of a local municipality may pass by-laws for entering into and performing any agreement with any other council in the same county for executing, at their joint expense and for their joint benefit any work within the jurisdiction of the council. 1922, c. 72, s. 486.

Joint works
with other
municipali-
ties.

TREES ON HIGHWAYS.

499.—(1) In this section “tree” shall include a growing tree, or shrub planted or left growing on either side of a highway for the purpose of shade or ornament.

“Tree”,
meaning of.

(2) Any person may plant trees on a highway with the approval of the council of the municipality expressed by resolution.

Planting.

(3) Every tree upon a highway shall be appurtenant to the land adjacent to the highway and nearest thereto.

Land to which
appurtenant.

(4) The council of every municipality may pass by-laws,—

By-laws.

(a) authorizing and regulating the planting of shade or ornamental trees upon any highway;

(b) granting money to be expended for such purpose;

(c) granting money by way of bonus not exceeding twenty-five cents each for planting on any highway or within six feet thereof ash, basswood, beech, birch, butternut, cedar, cherry, chestnut, elm, hickory, maple, oak, pine, sassafras, spruce, walnut, or whitewood trees, such bonus to be payable at the expiration of three years from date of planting if the trees are then alive, healthy and in good form;

(d) for preserving trees;

(e) for prohibiting the injuring or destroying of trees;

(f) for causing any tree planted upon a highway to be removed when deemed necessary in the public interest but the owner of the tree shall be given ten days' notice of the intention of the council to remove such tree and be recompensed for his trouble in planting and protecting it, and if he so desires shall be entitled to himself remove the tree, but shall not be entitled to any further or other compensation;

(g) prohibiting the planting of any species of tree which the council deem unsuited for that purpose and for the removal without notice of such trees growing on a highway or planted thereon contrary to the provisions of any such by-law;

(h) authorizing any officer or committee of the council to supervise the planting of trees upon the highways and the trimming of trees planted upon a highway or upon private property where the branches extend over a highway, or to remove decayed or dangerous trees or trees which have by by-law of the municipality been directed to be removed.

Service of notices.

(5) The notices required by the next preceding subsection may be given by leaving the same with a grown-up person residing on the land or if the land is unoccupied by posting it in a conspicuous place on the land.

Consent required to removal, etc.

(6) Save with the authority of the council or a committee or officer thereof appointed as aforesaid no person shall remove or cut down or injure any tree growing upon a highway.

Prohibition as to tying animals, etc.

(7) Any person who ties or fastens any animal to, or injures or destroys a tree growing upon a highway or who suffers or permits any animal in his charge to injure or destroy such tree or who cuts down or removes any such tree contrary to the provisions of this section shall incur a penalty not exceeding \$25. One-half of which shall go to the person laying the information, and the other half to the corporation of the municipality within which such tree was growing. 1927, c. 61, s. 53.

Penalty.

NOTE.—For by-laws to preserve or sell timber or trees on any original allowance for road, see section 495, par. 5.

For provisions as to trees on provincial highways, see Highway Improvement Act. Rev. Stat. c. 54, s. 70.

Expenditure for works in any county of a union.

500.—(1) The councils of united counties may pass by-laws for raising or borrowing money to be expended exclusively in any one of the counties forming the union.

What members to vote on by-law.

(2) None of the members of the council but those representing local municipalities in the county in which the expenditure is to be made shall vote upon the by-law except in the case of an equality of votes, when the warden shall have the casting vote.

What property assessable for rates.

(3) The sums to be raised by taxation for the purpose of making any such expenditure and the sums required to be raised to pay the principal and interest of any money borrowed for that purpose shall be assessed and levied only upon the rateable property in the county in which the expenditure is to be made.

Debentures, issue of.

(4) Every debenture issued under the authority of the by-law shall be issued as the debenture of the corporation of the united counties, but it shall be stated in the body of it that the payment of the principal and interest is to be pro-

vided for by a special rate upon the rateable property in the county in which the expenditure is to be made and upon that property only. 1922, c. 72, s. 489.

501. The council of a township may pass by-laws for granting a prize not exceeding \$10 for the best kept roadside, farm front and farm house surroundings, in each public school section in the township, and for prescribing the conditions upon which such prizes may be competed for and awarded. 1922, c. 72, s. 490.

Prizes for
best kept
roadside,
etc.

502. The councils of all municipalities may pass by-laws:

1. For prohibiting or regulating the obstructing, encumbering, injuring or fouling of highways or bridges. Obstruction of highways.
2. For requiring doorsteps, porches or other erections or things projecting into or over any highway to be removed by the owner or occupant of the land in connection with which they exist. Removal of doorsteps, etc.
3. For prohibiting the building or maintaining of fences on any highway or the placing or depositing of firewood or any other thing calculated to obstruct it or to obstruct or interfere with public travel on it, on any highway or bridge, and for requiring the removal of them by the person by whom the same are or were so built, maintained, placed or deposited. Prohibiting building or maintaining fences on highways.
 - (a) Unless the by-law otherwise provides, a by-law passed under the authority of paragraph 3 shall not extend or apply to a worm fence which is not for more than half its width upon the highway, or to materials to be used for the construction or repair of a highway or bridge, if they do not interfere with the use of it for public travel. Worm fences.
4. For prohibiting the throwing, placing or depositing on any highway or bridge, of dirt, filth, glass, handbills, paper, or other rubbish or refuse, or the carcass of any animal. Prohibiting throwing dirt, glass, etc., on highways.
5. For prohibiting the obstruction of ditches or culverts upon highways. 1927, c. 61, s. 54. Ditches and culverts.
6. To provide for placing, regulating and maintaining upon the public highways traffic signs for the purpose of guiding and directing traffic; provided that no by-law shall authorize the placing of such signs upon that portion of any highway which lies between the double tracks of a street railway constructed upon such highway known as the devil strip. 1922, c. 72, s. 491. Traffic signs.

Selling
original road
allowance.

503.—(1) Where a highway for the site of which compensation was paid is established and laid out in place of the whole or any part of an original allowance for road, or where the whole or any part of a highway is legally stopped up, if the council determines to sell such original allowance or such stopped up highway, the price at which it is to be sold shall be fixed by the council, and the owner of the land which abuts on it shall have the right to purchase the soil and freehold of it at that price.

Prior right
of owners
of abutting
lands.

(2) Where there are more owners than one each shall have the right to purchase that part of it upon which his land abuts to the middle line of the stopped up highway.

Sale by
council to
other persons.

(3) If the owner does not exercise his right to purchase within such period as may be fixed by the by-law or by a subsequent by-law, the council may sell the part which he has the right to purchase to any other person at the same or a greater price. 1922, c. 72, s. 492.

Where owner
of land taken
for highway
entitled to
original
road allow-
ance.

504.—(1) Where a highway for the site of which compensation was not paid has been laid out and opened in the place of the whole or any part of an original allowance for road, the owner of the land appropriated for the highway or his successor in title if he owns the land which abuts on such allowance shall be entitled to the soil and freehold of it, and if it has not already been conveyed to him or his predecessor in title, to a conveyance of it.

When more
than one
owner.

(2) Where the land which so abuts is owned by more persons than one each shall be entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance.

Where owner
of land taken
owns no land
abutting on
allowance.

(3) If the owners of the land appropriated for the highway or his successor in title does not own any land abutting on the allowance and the allowance is sold by the council, he shall be entitled to a part of the purchase money which bears the same proportion to the whole purchase money as the value of the part of the site of the new highway which belonged to him bears to the value of the whole site. 1922, c. 72, s. 493.

When person
in possession
entitled to
original
allowance.

505.—(1) A person in possession of the whole or any part of an original allowance for road in place of which he or any of his predecessors in title has laid out and opened a new road or street without receiving compensation for the site of it, shall be entitled to the soil and freehold of such allowance or part of it, and if it has not already been conveyed to him or to his predecessor in title to a conveyance of it.

(2) Where there are more persons than one in such possession each shall be entitled to and to a conveyance of the soil and freehold of that part of the allowance upon which his land abuts to the middle line of the allowance. Where several persons in possession.

(3) If the road has not been adopted by by-law of the council or otherwise assumed for public use by the corporation, this section shall not apply until the new road or street is adopted by by-law of the council, and the council by by-law declares that the original allowance is in its opinion useless to the public. 1922, c. 72, s. 494 (1-3). Requirement as to assumption of road by corporation.

506. The Lieutenant-Governor in Council may stop up, alter, widen or divert any highway or part of a highway in a Provisional Judicial District not being within an organized municipality, and may sell or lease the soil and freehold of any such highway or part of a highway which he has stopped up or which in consequence of an alteration or diversion of it no longer forms part of the highway as altered or diverted. 1922, c. 72, s. 496 (1). Stopping up highways in unorganized territory.

507.—(1) The council of a township in unorganized territory surveyed without road allowances, but in which five per centum of the area is reserved for highways, may pass by-laws for opening and making highways where necessary and the provisions of this Act as to compensation for lands taken or injuriously affected by the exercise of the powers conferred by this section shall not apply. Opening up highways where five per cent. reserved.

(2) In cases of deviations from road allowances and of roads laid out where there are no road allowances as provided in subsection 2 the corporation shall cause a plan thereof, so far as the same affects ungranted lands of the Crown to be made by an Ontario land surveyor and shall file the same in the Department of Lands and Forests. 1922, c. 72, s. 496 (2-3). Filing plan of roads in Department of Lands and Forests.

PART XXII.

PENALTIES AND ENFORCEMENT OF BY-LAWS.

508.—(1) By-laws may be passed by the councils of all municipalities and by Boards of Commissioners of Police for imposing penalties not exceeding \$50, exclusive of costs, upon every person who contravenes any by-law of the council or of the board passed under the authority of this Act. 1922, c. 72, s. 497 (1). Power to impose penalties.

(2) Every such penalty shall be recoverable under *The Summary Convictions Act*, all the provisions of which shall apply, except that the imprisonment may be for any term not exceeding six months for the breach of a by-law of the Recovery of. Rev. Stat. c. 121.

council or the Board of Commissioners of Police of a city, and in all other cases for any term not exceeding twenty-one days. 1922, c. 72, s. 497 (2).

Prosecutions.

Rev. Stat.
c. 121.

509. Except where otherwise expressly provided the penalties imposed by or under the authority of this Act shall be recoverable under *The Summary Convictions Act*, but prosecutions for offences against sections 146, 150, 194 or 196 shall be heard and determined by a police magistrate or two justices of the peace. 1922, c. 72, s. 498 (1-2).

Application
of penalties.

510. Where a prosecution is brought by a peace officer or employee of the corporation or of the Local Board of Health, the whole of the penalty shall belong to the corporation, and in other cases shall belong one-half to the corporation and the other one-half to the prosecutor. 1922, c. 72, s. 498 (3).

Convictions
not invalidated
for want of
proof of
by-law.

511.—(1) A conviction for a contravention of any by-law shall not be quashed for want of proof of the by-law before the convicting justice, but the court or a judge hearing the motion to quash may dispense with such proof or may permit the by-law to be proved by affidavit, or in such other manner as may be deemed proper.

Requirement
as to proof.

(2) Nothing in this section shall relieve a prosecutor from the duty of proving the by-law or entitle the justice to dispense with such proof. 1922, c. 72, s. 499.

Enforcing
performances
of things re-
quired to be
done under
by-laws.

512. Where a council has authority to direct or require by by-law or otherwise that any matter or thing be done, the council may by the same or by another by-law direct that in default of its being done by the person directed or required to do it, such matter or thing shall be done at his expense, and the corporation may recover the expense incurred in doing it by action, or the same may be recovered in like manner as municipal taxes, or the council may provide that the expense incurred by it, with interest, shall be payable by such person in annual instalments not exceeding ten years and may, without obtaining the assent of the electors, borrow money to cover such expense by the issue of debentures of the corporation payable in not more than ten years. 1922, c. 72, s. 500.

Power to
restrain by
action.

513. Where a building is erected or used or land is used in contravention of a by-law passed under the authority of this Act, in addition to any other remedy provided by this Act, and to any penalty imposed by the by-law, such contravention may be restrained by action at the instance of the corporation. 1922, c. 72, s. 501.

PART XXIII.

POLICE VILLAGES.

Formation of.

514.—(1) Under and subject to the provisions and conditions hereinafter mentioned, a locality may be erected into a police village by the council of the county in which it is situate, or if it comprises parts of two or more counties by the council of the county in which the larger or largest part of the locality is situate.

Formation of police village.

(2) Where a petition signed by a majority of the owners of the locality whose names are entered on the last revised assessment roll and by a sufficient number of the resident tenants of the locality whose names are entered on such roll to make up with such owners a majority of the whole number of owners and tenants whose names are so entered, praying for the erection of the locality into a police village, is presented to the council, the council, if the locality has a population of not less than 150, and an area of not more than 500 acres, may pass a by-law erecting the locality into a police village to take effect from a day to be named in the by-law declaring the name which the police village shall bear and its boundaries, fixing a time and place and naming the returning officer for holding the first election of trustees and fixing a time and place for the first meeting of trustees.

Petition of freeholders and tenants required.

By-law erecting village and fixing date of first election, etc.

(3) Where a petition has been presented as provided by subsection 2 and is sufficiently signed, and the council of the county does not at its next meeting after the presentation of the petition pass a by-law erecting the police village, application may be made to The Railway and Municipal Board for an order erecting the locality described in the petition into a police village, and the Board upon being satisfied that the petition has been duly signed and presented to the council, and that the council has neglected to act, and that the locality contains a population of not less than one hundred and fifty and has an area of not more than five hundred acres, and that the convenience of the inhabitants of the locality requires the erection of the police village, may make an order erecting the locality into a police village, the order to take effect at a date to be named therein, declaring the name the police village shall bear and its boundaries, fixing the time and place and naming the returning officer for holding the first election of trustees and fixing the time and place for the first meeting of trustees.

Power of Municipal Board to erect police village on failure of county.

Annexation
of territory
to police
village.

515.—(1) When the population of a police village exceeds 500, the council of the county by which it was established may, on petition of two-thirds of the owners and tenants of the village, whose names are entered upon the last revised assessment roll, and of the majority of the resident owners and tenants of the territory proposed to be added, whose names are entered on the last revised assessment roll of the municipality, may by by-law increase the area of the village by adding to it any adjoining land, but not exceeding 20 acres for each additional 100 of its population over 500.

Extension
of limits
of police
village.

(2) In the case of a police village having a population of less than five hundred and an area of less than five hundred acres the council of the county, on petition as required by subsection 1, may by by-law increase the area of such village by adding to it any adjoining land so that the total area shall not exceed five hundred acres.

Land in
other county.

(3) Land in another county shall not be included in the increased area without the consent of the council of that county. 1922, c. 72, s. 503.

Application
of proceed-
ings as to
incorpora-
tion of
village.

516. Subsections 2, 3, 5, 6 and 9 of section 12 shall apply to the proceedings under the next two preceding sections and the population of the locality shall be determined in case of dispute in such manner and by such means as the council shall determine. 1922, c. 72, s. 504.

Formation of Police Villages in Provisional Judicial Districts.

Erection of
police villages
in provisional
judicial
districts.

517.—(1) A locality in an organized township or in two or more adjoining organized townships in a Provisional Judicial District may be erected into a police village by order of The Municipal Board.

Order of
Board on
receipt of
petition.

(2) The order may be made by the board on receipt of a petition signed by a majority of the owners of the locality whose names are entered on the last revised assessment roll, and by a sufficient number of the resident tenants of the locality whose names are entered on such roll to make up with such owners a majority of the whole number of owners and tenants whose names are so entered.

Area of
police villages
in provisional
judicial
district.

(3) No police village shall be erected under this section until the locality described in the petition contains a population of not less than one hundred and fifty and has an area of not more than five hundred acres, but the board may increase the area of such village in the like manner and under the same circumstances as set out in section 515 in the case of a police village situate in a county, and section 515 shall *mutatis mutandis* apply to proceedings under this section.

(4) All the provisions of this Act with regard to police villages in counties shall, so far as practicable, apply to a police village erected in a Provisional Judicial District. 1922, c. 72, s. 504a.

Provisions of Act re police villages in counties to apply.

Trustees—Election of, etc.

518.—(1) There shall be three trustees for every police village.

Trustees—number of.

(2) The trustees may contract and may sue and be sued, and may pass by-laws by and in the name of the trustees of the police village of (*naming it*) but they shall not be personally liable upon their contracts. 1922, c. 72, s. 505.

General powers.

519.—(1) Except where other provision is made in this Part and except as provided by subsections 2 to 6, the provisions of Parts 2, 3 and 4, which are applicable to councillors of townships, shall apply *mutatis mutandis* to trustees of police villages.

Application of provisions as to election, etc., of township councillors.

(2) The trustees shall appoint the returning officer and the place within the village for holding the nomination and for the polling for every election except the first.

Appointment of returning officer—nomination and polling.

(3) The clerk of every township, a part of which is comprised in the village, not later than the day before that on which the polling is to take place, shall deliver to the returning officer of the village a copy of so much of the voters' list as relates to the village, attested by his declaration in writing as a true copy thereof.

Duty of clerk of township as to preparing voters' list.

(4) The return of the ballot box provided for by section 130 shall be made,

Return of ballot box.

(a) Where the village lies wholly within the township to the clerk of that township;

(b) Where the village comprises parts of two or more townships in the same county to the clerk of that county;

(c) Where the village comprises parts of two or more townships in different counties to the clerk of the county in which the larger or largest part of the village is situate.

(5) The clerk to whom the ballot box is returned shall perform the duties which under sections 134 and 135 are to be performed by the clerk of a municipality.

Duties of clerk on receiving ballot box.

(6) No person shall be qualified to be elected a trustee unless he has the prescribed qualification in respect of land situate in the village and resides in or within two miles of the village.

Qualification of trustee.

NOTE.—See Sec. 250 as to declaration of qualification.

Qualifica-
tion of
elector.

(7) No person shall be qualified to vote at an election of trustees unless he has the prescribed qualification in the village.

First meet-
ing of
trustees.

(8) The first meeting of the trustees after the annual election shall be held at noon on the 3rd Monday in January, or on some day thereafter at noon. 1922, c. 72, s. 506.

NOTE.—See Sec. 433 (3) as to remuneration of trustees.

Vacancies—
how filled.

520. If a vacancy occurs in the office of trustee the remaining trustees or trustee shall, by writing, appoint a trustee to fill the vacancy. 1922, c. 72, s. 507.

Appointment
of inspecting
trustee.

521.—(1) The trustees shall, by writing, appoint one of their number to be inspecting trustee.

Requirement
as to filing
appointment
of inspecting
trustee, etc.

(2) Forthwith after the making of an appointment under subsection 1 or under section 520, the writing by which the appointment is made shall be filed with the clerk to whom the ballot box is to be returned as provided by subsection 4 of section 519. 1922, c. 72, s. 508.

Requisition
on township
council to
raise sums to
meet expendi-
ture.

522.—(1) The trustees may at any time before the first day of June in any year by a requisition in writing require the council of the township in which the village is situate to cause to be levied, along with the other rates upon the rateable property in the village, such sum as the trustees deem necessary to defray the expenditure of the trustees for the current year.

Case of vil-
lage situate
in more than
one township.

(2) Where the village comprises parts of two or more townships the requisition shall be made on the council of each township for its proportion of the whole amount to be levied as ascertained in the manner provided by section 523. 1922, c. 72, s. 509 (1, 2).

Limit of
rates.

(3) The amount which the trustees may require to be so levied shall not in any year exceed a sum which a rate of one and one-half cents in the dollar in the case of a police village in a township or townships in which statute labour has been abolished and in other cases, one cent in the dollar on the rateable property in the village will provide, but this shall not apply to a rate imposed or to be levied under sections 528, 529 or 531. 1922, c. 72, s. 509 (3); 1925, c. 59, s. 22.

Apportion-
ment of
rate among
townships
by assessors.

523.—(1) Where a village comprises parts of two or more townships the proportion of the amount required to be levied in each township shall be determined by the assessors of the townships.

Time for
meeting of
assessors.

(2) Where a police village is hereafter erected, the assessors shall meet forthwith after the election for the purpose of determining and shall determine the proportion to be levied in each township.

(3) Thereafter and in the case of all other police villages the meeting shall be held in every second year. Subsequent meetings.

(4) Except in the case of a newly erected police village the two years shall be reckoned from the respective times when the last determination was made by the assessors. How interval computed.

(5) If the assessors differ, notice of the fact shall be forthwith given to the inspecting trustee, who shall act with the assessors in determining the proportions, and the decision of a majority shall be final and conclusive. Determination when assessors differ.

(6) The determination of the assessor or of the assessors and the inspecting trustee shall be forthwith communicated to the clerk of each of the townships. Notice of determination to be given to clerk of township.

(7) The meeting of the assessors shall be called by the assessor of the township in which is situate the larger or largest part of the rateable property of the village. Who to call meeting of assessors.

(8) The proportions as determined under this section shall govern until the next determination is to be made as provided by subsection 3. 1922, c. 72, s. 510. How long determination to govern.

524.—(1) The ratepayers of the village shall be entitled to such deduction from the township rate payable by them as may be agreed on between the trustees and the council of the township, or if the village comprises parts of two or more townships, by the councils of the respective townships, or if they are unable to agree as shall be determined by a judge of the county court of the county in which the village, or if it comprises more counties than one, the larger or largest part of the village is situate. 1922, c. 72, s. 511. Reduction of township rates—determination of.

(2) Either party may at any time apply to the judge for a modification of the terms of the agreement or order. 1927, c. 61, s. 58.

525.—(1) The trustees shall be entitled to have the statute labour to be performed by the ratepayers of the village performed in the village. Performance of statute labour.

(2) If the trustees request the council of a township to commute the statute labour payable by the ratepayers in that part of the village which is situate in the township, the council shall provide for such commutation at such rate not exceeding \$3 per day, as may be requested by the trustees. When council required to commute.

(3) The amount of the commutation money shall be collected by the collector of the township and be placed to the credit of the trustees in the books of the treasurer of the township. 1922, c. 72, s. 512. Collection and application of commutation money.

526. The trustees may

Powers of
trustees.

- (a) Construct sidewalks and culverts and make, improve, drain and repair the highways in the village;
- (b) Make contracts for the supply of light, heat, power, water or other public utilities by any person to the trustees for the purposes of the village or to the residents thereof;

and do all things necessary for any of such purposes. 1922, c. 72, s. 513; 1925, c. 59, s. 23.

Payment
by township
treasurer
of orders
of trustees.

527.—(1) The treasurer of a township shall, if he has money of the corporation in hand and not otherwise appropriated, from time to time pay any order of the inspecting trustee or of any two of the trustees to the extent of

- (a) The sum required by section 522 to be levied by the council of the township and any sum which the council is required by the provisions of this Part to place to the credit of the trustees, although the same have not been then collected;
- (b) Any money received for license fees under any by-law of the trustees and for penalties for breaches of any such by-law or of sections 536, 537 and 538;

When orders
not to be
given.

(2) An order shall not be given under this section except for work actually performed or in payment in pursuance of an executed contract. 1922, c. 72, s. 514.

Submission
of money
by-laws
for certain
purposes.

528.—(1) Upon the application of the trustees the council of a township in which a police village is situate shall submit for the assent of the electors of the village, and if it receives such assent shall pass a by-law for borrowing money for

- (a) The construction of sidewalks of cement, concrete, brick or other permanent material;
- (b) The purchase of fire engines and other appliances for fire protection and the supply of water therefor;
- (c) Lighting the highways in the village; and
- (d) Supplying water, light, heat or power to the trustees for the purposes of the village or to the residents thereof;
- (e) Acquiring land as a site for and erecting thereon a police village hall,

and for the issue of debentures of the corporation of the township for the money borrowed, payable on the instalment plan, at such time within ten years and in such manner as the trustees may request.

(2) The special rate for the payment of the principal and interest shall be imposed upon the rateable property in the village. Special rate.

(3) The money borrowed shall be retained in the hands of the treasurer of the township, and he shall pay out of it the orders of the inspecting trustee or of any two trustees in payment for work actually performed or of an executed contract with respect to the work or service for undertaking which the by-law was passed. Expenditure of money borrowed.

(4) When the by-law is passed, the trustees may undertake the work or service. 1922, c. 72, s. 516 (1-4). Undertaking of work.

(5) The trustees shall have the control, care and management of the fire engine and appliances, and of the plant and appliances for the supply of water, light, heat or power, and of the police village hall. 1922, c. 72, s. 516 (5); 1927, c. 61, s. 60. Control of fire engines, etc.

(6) The trustees shall in each year before the striking of the rate by the council of the township furnish to the clerk a statement showing in detail the amount required to be levied upon the rateable property of the village for the current year for any such work or service which has been undertaken and for the care and maintenance of any fire engine and appliances purchased and for providing water therefor and for the maintenance and operation of the plant and appliances for the supply of light, heat or power and of the police village hall. 1922, c. 72, s. 516 (6). Statement to be furnished to clerk of township, of amount required to be levied for certain purposes.

529.—(1) The trustees may, with the consent of the council of the township in which the village is situate expressed by by-law or resolution, purchase fire engines and appliances for fire protection at a cost not exceeding \$3,000, and pay therefor in instalments within ten years. Purchase of fire engines and appliances with consent of township council.

(2) Upon the purchase being made the council of the township shall pass a by-law for raising the amount of the purchase money by the issue of debentures of the corporation of the township on the instalment plan, payable within ten years. Township to pass debenture by-law.

(3) The special rate imposed for the payment of the debentures shall be imposed upon the rateable property in the village. Special rate.

(4) The assent of the electors to the by-law shall not be necessary. Assent of electors not required.

(5) Subsections 5 and 6 of section 528 shall apply to a fire engine and appliances purchased under the authority of this section. 1922, c. 72, s. 517.

Agreement
for use by
township of
fire engine.

530. The trustees may contract with the corporation of a township in which the whole or any part of the village is situate for the use by the corporation of a fire engine and appliances purchased under the authority of this Part upon such terms as to payment for the use of them and otherwise as may be agreed upon. 1922, c. 72, s. 518.

Establishment of Parks, Gardens, etc.

Acquiring
land for
parks, ex-
hibitions, etc.

531.—(1) Upon the petition of three-fourths of the electors qualified to vote upon money by-laws the council of a township in which a police village is situate may pass a by-law for acquiring land within or without the limits of the village for a highway or for a public park, garden or place for exhibitions, and for the erection thereon of such buildings and fences as the council may deem necessary for the purposes of such highway, park, garden or place for exhibitions and may dispose of such land when no longer required for such purposes.

Control and
management
of parks, etc.

(2) The trustees shall have the care, control and management of such highway, park, garden or place.

Powers of
township
council as
to levying
cost of
parks, etc.

(3) The council of the township may provide that,

(a) The money required for the purpose mentioned in subsection 1 shall be levied upon the rateable property in the village, or,

(b) Such money be raised by the issue of debentures of the corporation of the township on the instalment plan payable within 10 years.

Special
rates.

(4) The by-law shall impose the special rate for the payment of the debentures upon the rateable property in the village.

Statement
as to amount
required for
maintenance
of parks, etc.

(5) The trustees shall annually before the striking of the rate for the year by the council of the township, furnish to the council a statement showing in detail the amount required to be levied for the current year for managing and maintaining the highway, park, garden or place for exhibitions, and the same shall be levied upon the land in the village.

Assent of
electors not
required.

(6) The assent of the electors to a by-law passed under this section shall not be necessary. 1922, c. 72, s. 519.

532.—(1) Where the village comprises parts of two or more townships a by-law for the purposes mentioned in sections 528, 529 and 531 may be passed by the trustees, with the assent of the electors of the village qualified to vote on money by-laws; and for the purposes of such by-laws the trustees shall have all the powers of the council of a village, except the power to issue the debentures for the payment of the principal and interest.

Trustees to pass money by-laws where village situate in two or more townships.

(2) The by-law shall fix the proportion of the debt, for payment of which the special rate is to be imposed, which is to be borne by the part of the village situate in each township, and such proportion shall be the same as that in which the annual sum to be levied as provided by section 522 is to be levied according to the then last determination of the assessors or of the assessors and inspecting trustee under section 523.

Fixing proportion of debt to be borne by parts of village.

(3) If the by-law receives the assent of the electors, the trustees, after passing it, shall serve a certified copy of it upon the clerk of each of the townships.

Certified copy for each township.

(4) The council of each township shall forthwith there-after pass a by-law for raising the amount which is to be borne by that part of the village situate in the township by the issue of debentures of the corporation of the township, payable as provided by the by-law of the trustees, and it shall not be necessary that such by-law shall receive the assent of the electors or impose any rate for the payment of the debentures.

By-law of township for raising money.

(5) The special rates imposed by the by-law of the trustees shall be levied and collected by the councils of the townships within which the property upon which they are imposed is situate. 1922 c. 72, s. 520.

Special rates.

533.—(1) The trustees may appoint a constable for the village who shall have the same powers and perform the same duties within the village as a constable appointed by the council of a village.

Appointment of constable.

(2) The constable may be paid by salary or may keep for his own use the fees of his office as the trustees may determine.

Salary.

(3) Where the constable is paid by salary the trustees may require that the fees of his office be paid to the treasurer of the township in which the village is situate or where the village comprises parts of two or more townships to the treasurer of any or either of them for the use of the village. 1922, c. 72, s. 521.

When fees of constable to belong to village.

Special Powers.

Special
powers of
trustees.

534.—(1) The trustees shall have the like power to pass by-laws as is conferred on the council of a village with respect to,—

- (a) Driving or riding on roads and bridges by paragraphs 9 and 10 of section 396;
- (b) Free libraries by paragraph 18 of section 396;
- (c) Sidewalks—Vehicles on, by paragraph 47 of section 396;
- (d) Pounds by paragraphs 48 to 51 of section 397;
- (e) Snow and Ice, removal of, by paragraphs 57 and 58 of section 397;
- (f) Spitting on sidewalks by paragraph 64 of section 397;
- (g) Sidewalks—Horses and cattle upon, by paragraph 44 of section 399;
- (h) Traffic or highways, etc., driving of cattle, etc., by paragraph 47 of section 399;
- (i) Tobacconists by paragraph 2 of section 428;
- (j) Bagatelle and billiard tables by paragraph 1 of section 429;
- (k) Exhibitions, places of amusement, etc., by paragraph 2 of section 429; and
- (l) Trees on highways by section 499.

Fixing
amount of
license fee.

(2) Where power is conferred to license, the license fee shall be fixed by the trustees, and subsections 1, 3, 4 and 5 of section 262 shall apply.

When by-
law of town-
ship not to
apply to
village.

(3) While a by-law passed under the authority of subsection 1 is in force, no by-law of the council of the township applicable to the same subject matter shall apply to or be in force in the village. 1922, c. 72, s. 522; 1927, c. 61, s. 61.

Authentica-
tion of
by-laws.

535.—(1) Every by-law of the trustees shall be signed by at least two of them.

Certified
copies to
be sent to
clerk of
township.

(2) A certified copy of every such by-law shall within seven days after it is passed be transmitted to the clerk of every township a part of which is comprised in the village. 1922, c. 72, s. 523.

Prevention of Fire.

For providing
ladders, etc.

536.—(1) Every proprietor of a house more than one storey high shall place and keep a ladder on the roof of such house near to or against the principal chimney thereof, and

another ladder reaching from the ground to the roof of such house, under a penalty of \$1 for every omission; and a further penalty of \$2 for every week for which such omission continues. Penalty.

(2) Every householder shall provide himself with two buckets fit for carrying water in case of accident by fire, under a penalty of \$1 for each bucket not so provided. Fire buckets. Penalty.

(3) No person shall build any oven or furnace unless it adjoins and is properly connected with a chimney of stone or brick at least three feet higher than the house or building in which the oven or furnace is built, under a penalty not exceeding \$2 for non-compliance. As to furnaces, etc. Penalty.

(4) No person shall pass a stove-pipe through a wooden or lathed partition or floor, unless there is a space of four inches between the pipe and the wood-work nearest thereto; and the pipe of every stove shall be inserted into a chimney; and there shall be at least ten inches in the clear between any stove and any lathed partition or wood-work, under a penalty of \$2. Stove pipes, etc. Penalty.

(5) No person shall enter a mill, barn, outhouse or stable, with a lighted candle or lamp, unless it is well enclosed in a lantern, nor with a lighted pipe or cigar, nor with fire not properly secured, under a penalty of \$1. Light in stables, etc. Penalty.

(6) No person shall light or have a fire in a wooden house or outhouse, unless such fire is in a brick or stone chimney, or in a stove of iron or other metal, properly secured, under a penalty of \$1. Chimneys. Penalty.

(7) No person shall carry fire or cause fire to be carried into or through any street, lane, yard, garden or other place, unless such fire is confined in a copper, iron or tin vessel, under a penalty of \$1 for the first offence, and of \$2 for every subsequent offence. Securing fire carried through streets, etc. Penalty.

(8) No person shall light a fire in a street, lane or public place under a penalty of \$1. Lighting fires on streets. Penalty.

(9) No person shall place hay, straw or fodder, or cause the same to be placed, in a dwelling house, under a penalty of \$1 for the first offence, and of \$5 for every week the hay, straw or fodder is suffered to remain there. Hay, straw, etc. Penalty.

(10) No person, except a manufacturer of pot or pearl ashes, shall keep or deposit ashes or cinders in any wooden vessel, box or thing not lined or doubled with sheet-iron, tin or copper, so as to prevent danger of fire from such ashes or cinders, under a penalty of \$1. Ashes, etc. Penalty.

Lime.

(11) No person shall place or deposit any quick or unslacked lime in contact with any wood of a house, outhouse or other building, under a penalty of \$1, and a further penalty of \$2 a day until the lime has been removed, or is secured, so as to prevent any danger from fire, to the satisfaction of the inspecting trustee.

Penalty.

Charcoal
furnaces.
Penalty.

(12) No person shall erect a furnace for making charcoal of wood, under a penalty of \$5. 1922, c. 72, s. 524.

Gunpowder.

Gunpowder,
how to be
kept.
Penalty.

537.—(1) No person shall keep or have gunpowder for sale, except in boxes of copper, tin or lead, under a penalty of \$5 for the first offence, and \$10 for every subsequent offence.

Not to be
sold at night.

(2) No person shall sell gunpowder, or permit gunpowder to be sold in his house, storehouse or shop, outhouse or other building, at night, under a penalty of \$10 for the first offence, and of \$20 for every subsequent offence. 1922, c. 72, s. 525.

Nuisances.

Certain
nuisances
prohibited.

538. No person shall throw, or cause to be thrown, any filth or rubbish into a street, lane or public place, under a penalty of \$1, and a further penalty of \$2 for every week for which he neglects or refuses to remove the same after being notified to do so by the inspecting trustee or by some other person authorized by him. 1922, c. 72, s. 526.

Trustees
required to
prosecute
offenders.

539.—(1) It shall be the duty of the trustees to see that the provisions of the next preceding three sections are not contravened, and that offenders are prosecuted for breaches of them.

Penalty for
neglect to
prosecute.

(2) Any trustee who wilfully neglects or omits to prosecute an offender against any of the provisions of sections 536, 537 or 538, when requested so to do by a resident householder of the village who offers to adduce proof of the offence, and a trustee who wilfully neglects or omits to fulfil any other duty imposed on him by this Part, shall incur a penalty of \$5. 1922, c. 72, s. 527.

Penalties—
how recover-
able.
Rev. Stat.
c. 121.

540. The penalties imposed by or under the authority of this Part shall be recoverable under *The Summary Convictions Act*, all of the provisions of which shall apply except that proceedings for the recovery of penalties for contraventions of sections 536 to 539 shall be commenced within ten days after the commission of the offence, or if it is a continuing offence, within ten days after it has ceased and not afterwards. 1922, c. 72, s. 528.

Incorporation of Trustees.

541.—(1) Where a police village has a population of not less than 500, the trustees may be created a body corporate and when incorporated the corporation shall be styled "The Board of Trustees of the Police Village of _____" (*naming it*). Incorporation of Board of Trustees.

(2) The provisions of this Part as to the erection of a police village shall apply *mutatis mutandis* to an application for the incorporation of the trustees of a police village with the exception that the petition for incorporation shall be signed by not less than 50 resident owners of the village whose names are entered on the last revised assessment rolls of the municipality or municipalities of parts of which the village is composed. 1922, c. 72, s. 529. Procedure as to incorporation of board.

542.—(1) At its first meeting in each year the Board shall appoint one of its members to be the Chairman, and shall also appoint a secretary. Appointment of chairman and secretary.

(2) The chairman shall, if present, preside at all meetings of the Board and in his absence the Board shall appoint one of its members to act as Chairman during such absence. 1922, c. 72, s. 530. Presiding officer.

543.—(1) The by-laws of the Board shall be signed by the Chairman or acting Chairman and shall be sealed with its seal. Authentication of by-laws.

(2) The provisions of this Act as to the proof of by-laws of a council shall apply to the by-laws of the Board. 1922, c. 72, s. 531. Proof of by-laws.

544. The expenses of repairing and maintaining all works, improvements and services undertaken by the Board under the authority of this Act, shall be borne by the Board, and such expenses shall be levied and collected by the councils of the townships on the requisition in writing of the Board, in like manner as the money to be levied as provided by section 522. 1922, c. 72, s. 532. Repair and maintenance of improvements and works.

545.—(1) If the Board makes default in maintaining and keeping in repair any such work, and the corporation of a township becomes liable under section 469 for damages suffered by or occasioned to any person in consequence of such default, the corporation shall be entitled to the remedy over against the Board provided for by section 474. Remedy over of township against board for damages occasioned by non-repair.

(2) The amount required to satisfy the liability of the Board shall be levied and collected by a special rate on the rateable property in the village, and it shall be the duty of the Board to make a requisition in writing to the council of the township to levy and collect the same. Special rate for collection of amount of damages.

Apportion-
ment of
special rate.

(3) Where the village comprises parts of two or more townships the special rate shall be apportioned between the townships in the manner provided by section 523, and shall be levied and collected by the councils thereof in accordance with the requisition of the Board. 1922, c. 72, s. 533.

Power to
construct
water, light,
heat, power
and gas
works.

546.—(1) The Board shall have the like powers as the council of a village for constructing, purchasing, improving, extending, maintaining, managing and conducting water, light, heat, power and gas works.

Copy of by-
law to be
filed with
township
clerk.

(2) A copy of every by-law passed under the authority of subsection 1, shall be filed with the clerk of every township in which any part of the village is situate.

Special rates.

(3) Where the village is situate in one township, the council of that township shall levy and collect the amount required to be raised under any such by-law by a special annual rate upon the rateable property in the village, and where the village comprises parts of two or more townships, the council of each township shall levy and collect the proportion of the amount to be raised by it by a special annual rate on the rateable property in that part of the village situate in such township.

Proportion
of each
township.

(4) The proportion to be raised by each township shall be determined under the provisions of section 523. 1922, c. 72, s. 534.

Issue of
debentures.

(5) Where it is necessary to issue debentures for any of the purposes of this section the township or townships in which the village is situate may issue debentures for its due proportion to be determined as aforesaid. 1927, c. 61, s. 62.

Board to
have all
powers of
trustees of
a police
village.

547.—(1) The powers expressly conferred on boards of trustees of police villages shall be in addition to the powers conferred by this Part on trustees of a police village, and except where other provision is made by this Part with respect to such boards all the provisions of this Part relating to trustees of police villages shall apply to such boards.

Power to
impose
penalties,
etc.

(2) Section 508, and sections 511 and 512 shall apply *mutatis mutandis* to by-laws passed under the authority of this Part by a board of trustees of a police village. 1922, c. 72, s. 535.

PART XXIV.

MISCELLANEOUS.

Forms of
notices, etc.,
by-laws.

548. Where the Forms therefor are not prescribed by this Act the Municipal Board may approve of forms of by-laws, notices and other proceedings to be passed, given, or taken under or in carrying out the provisions of this Act, and every by-law, notice or other proceeding which is in substantial

conformity with the Form so approved, shall not be open to objection on the ground that it is not in accordance with the provisions of this Act applicable thereto, but the use of such Forms shall not be obligatory. 1922, c. 72, s. 536.

549. The Lieutenant-Governor in Council may by proclamation declare that section 566 of *The Consolidated Municipal Act, 1903*, shall cease to have effect on and from a day to be named in such proclamation and on and from that day the section shall be deemed to be repealed. 1922, c. 72, s. 537.

Repeal of
3 Edw. VII.
c. 19, s. 566.

FORM 1.

DECLARATION OF INCORPORATION.

TOWNSHIPS IN UNORGANIZED TERRITORY.

I, _____ Judge of the District
Court of the Provisional Judicial District of
hereby certify:

1. That the inhabitants of the township of _____
in the said district (or of that part of the said district described
as follows: (*describing it*) or of the townships of _____
and _____ in the said district
(*as the case may be*), are incorporated as a township municipality
(or as a union of townships municipality, *as the case may be*), by
the name of the Corporation of the township of _____
(or of the united townships of _____, *as*
the case may be).

2. That _____ was elected reeve
and _____
were elected councillors for the municipality.

3. The first meeting of the council shall be held on the
day of _____ at _____

Dated at _____ this _____ day of _____
_____, 19 _____

1922, c. 72, Form 1.

FORM 2.

DECLARATION OF QUALIFICATION BY CANDIDATE.

I, A. B., a candidate for election to the office of _____ in the
municipality of _____ declare that

1. I am a householder residing in this municipality and am assessed as owner (or tenant) of a dwelling or apartment house (or part of a dwelling or apartment house separately occupied as a dwelling) or (am rated on the last revised assessment roll for land held in my right for an amount sufficient to entitle me to be entered on the voters' list) and that I reside in (or within five miles of) the municipality.

2. I am entered on the last revised voters' list as qualified to vote at municipal elections;

3. I am a British subject and am not a citizen or a subject of any foreign country;

4. I am of the full age of twenty-one years;

5. I am not disqualified under the provisions of section 53 of the Municipal Act or under any other Act.

And I make this solemn declaration conscientiously believing it to be true and knowing that it is of the same force and effect as if made under oath and by virtue of *The Canada Evidence Act*.

Declared before me at
this
day of


19 }
, } A.B.

1922, c. 72, Form 2; 1927, c. 61, s. 63.


FORM 3.

BALLOT PAPER FOR CITIES AND TOWNS.


FORM FOR MAYOR.

	Election for the Members of the Municipal Council of the City of Ward No. Polling Subdivision No. . 19 . . . day of January,	FOR MAYOR.	ALLAN. Charles Allan, of King Street, in the City of Toronto, Merchant
			BROWN. William Brown, of the City of Toronto, Banker.

FORM FOR REEVE AND DEPUTY REEVE IN TOWNS.

	Election for the Members of the Municipal Council of the Town of . . . Ward No. Polling Subdivision No. day of January, 19 . . .	FOR REEVE.	CLITHEROE. Albert Clitheroe, of the Town of Galt, Baker.
			HUGHES. David Hughes, of the Town of Galt, Tinsmith.
		FOR DEPUTY REEVE.	FARQUHARSON. Robin Farquharson, of the Town of Galt, Builder.
			MacPHERSON. Roderick MacPherson, of the Town of Galt, Printer.


FORM FOR ALDERMEN OR COUNCILLORS.

	Election for the Members of the Municipal Council of the City of . . . Ward No. Polling Sub- division No. day of January, 19 . . .	FOR ALDERMAN (or) COUNCILLOR.	ARGO. James Argo, of the City of Toronto, Gentlemen.
			BAKER. Samuel Baker, of the City of Toronto, Baker.
			DUNCAN. Robert Duncan, of the City of Toronto, Printer.

[NOTE:—In the case of cities and towns where the Aldermen or Councillors are elected by general vote the form above given is to be adapted to suit the case.]

FORM 4.

BALLOT PAPER FOR VILLAGES.

	of Election of Members of the Municipal Council of the in the County of Polling Subdivision No. day of January.	FOR REEVE.	<p>BROWN.</p> <p>John Brown, of the Village of Weston, Merchant.</p>
			<p>ROBINSON.</p> <p>George Robinson, of the Village of Weston, Physician.</p>
		FOR COUNCILLORS.	<p>BULL.</p> <p>John Bull, of the Village of Weston, Butcher.</p>
			<p>JONES.</p> <p>Morgan Jones, of the Village of Weston, Grocer.</p>
			<p>McALLISTER.</p> <p>Allister McAllister, of the Village of Weston, Tailor.</p>
			<p>O'CONNELL.</p> <p>Patrick O'Connell, of the Village of Weston, Milkman.</p>

1922, c. 72, Form 4.

FORM 5.
BALLOT PAPER FOR TOWNSHIPS.

Election of Members of the Municipal Council of the Township of in the County of	FOR REEVE.	<p style="text-align: center;">ALLSOPP.</p> <p>Albert Allsopp, of the Township of York, Brewer.</p> <hr/> <p style="text-align: center;">BURTON.</p> <p>Henry Burton, of the Township of York, Farmer.</p>
	FOR FIRST DEPUTY-REEVE.	<p style="text-align: center;">BANKS.</p> <p>John Banks, of the Township of York, Blacksmith.</p> <hr/> <p style="text-align: center;">CALDWELL.</p> <p>Henry Caldwell, of the Township of York, Market Gardener.</p>
	FOR SECOND DEPUTY-REEVE.	<p style="text-align: center;">CONNOR.</p> <p>Patrick Connor, of the Township of York, Cattle Dealer.</p> <hr/> <p style="text-align: center;">DAVIDSON.</p> <p>Thomas Davidson, of the Township of York, Milkman.</p>
	FOR THIRD DEPUTY-REEVE.	<p style="text-align: center;">EDWARDS.</p> <p>Daniel Edwards, of the Township of York, Miller.</p> <hr/> <p style="text-align: center;">FERGUSON.</p> <p>George Ferguson, of the Township of York, Nurseryman.</p>
	FOR COUNCILLORS.	<p style="text-align: center;">BRITTON.</p> <p>James Britton, of the Township of York, Farmer.</p> <hr/> <p style="text-align: center;">LLOYD.</p> <p>David Lloyd, of the Township of York, Farmer.</p> <hr/> <p style="text-align: center;">MACDONALD.</p> <p>Philip Macdonald, of the Township of York, Agent.</p> <hr/> <p style="text-align: center;">O'LEARY.</p> <p>Dennis O'Leary, of the Township of York, Farmer.</p>

NOTE.—Where the election is to fill a vacancy, the ballot papers are to contain only so much of the form as is required; and the counterfoils shall bear, instead of the words appearing on the form, the words “Election of....., to fill a vacancy in the office of.....Ward No....., Polling subdivision....., day of....., 19.....”.

Where controllers, or commissioners, or members of the Board of Education are to be elected, the ballot papers are to be similar in form.

FORM 6.

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross, thus X on the right hand side, opposite the name or names of the candidate or candidates for whom he votes or at any other place within the division which contains the name or names of such candidate or candidates.

The voter will fold up the ballot paper so as to show the name or initials of the Deputy Returning Officer (or Returning Officer, as the case may be) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot paper so folded to the Deputy Returning Officer (or Returning Officer, as the case may be) and forthwith quit the polling place.

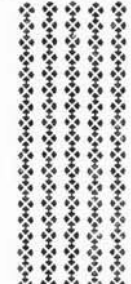
If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (or Returning Officer, as the case may be) who will if satisfied of such inadvertence, give him another ballot paper.

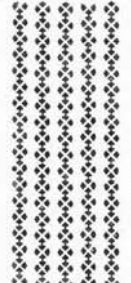
If the voter votes for more candidates for any office than he is entitled to vote for, his ballot paper will be void as far as relates to that office, and will not be counted for any of the candidates for that office.

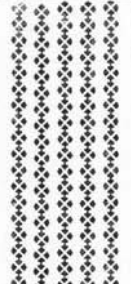
If the voter places any mark on his ballot paper by which he may afterwards be identified, or if the ballot paper has been torn, defaced, or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

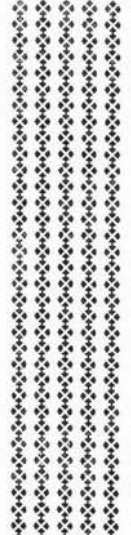
If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Officer, he will be subject to imprisonment for any term not exceeding 6 months, with or without hard labour.

In the following forms of ballot paper, given for illustration, the candidates are, for Mayor, Jacob Thompson and Robert Walker; for Reeve, George Jones and John Smith; for Deputy Reeve, Thomas Brown and William Davis; for Councillors, John Bull, Morgan Jones, Allister McAllister and Patrick O'Connell; and the elector has marked the first ballot paper in favour of Jacob Thompson for Mayor, the second ballot paper in favour of George Jones for Reeve, the third ballot paper in favour of William Davis for Deputy Reeve, and the fourth ballot paper in favour of John Bull and Patrick O'Connell for Councillors.

	Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Sub-division No. , day of January, 19 .	FOR MAYOR.	THOMPSON. Jacob Thompson, of the Town of Barrie, Merchant.	X
			WALKER. Robert Walker, of the Town of Barrie, Physician.	

	Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Sub-division No. , day of January, 19 .	FOR REEVE.	JONES. George Jones, of the Town of Barrie, Barrister.	X
			SMITH. John Smith, of the Town of Barrie, Banker.	

	Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Sub-division No. , day of January, 19 .	FOR DEPUTY REEVE.	BROWN. Thomas Brown, of the Town of Barrie, Grocer.	
			DAVIS. William Davis, of the Town of Barrie, Jeweller.	X

	Election for the Members of the Municipal Council of the Town of , Ward No. , Polling Sub-division No. , day of January, 19 .	FOR COUNCILLORS.	BULL. John Bull, of the Town of Barrie, Butcher.	X
			JONES. Morgan Jones, of the Town of Barrie, Grocer.	
			McALLISTER. Allister McAllister, of the Town of Barrie, Tailor.	
			O'CONNELL. Patrick O'Connell of the Town of Barrie, Milkman.	X

FORM 7.

FORM IN WHICH POLL BOOK TO BE FURNISHED TO DEPUTY RETURNING OFFICERS IS TO BE PREPARED.

Column for mark indicating that the voter has voted.	NAMES OF THE VOTERS										
	Description of Property in respect of which the voter is entitled to vote.										
	Owner, Tenant, Farmer's Son or Income Voter.										
	Residence of Voter.										
	Occupation.										
	Objections.										
	Sworn or affirmed.										
	Refused to swear or affirm.										
	Mayor and Reeve.										
	Deputy Reeves.										
	Councillors.										
	REMARKS										

NOTE.—In Cities, the column above headed "Mayor and Reeve" is to be headed "Mayor"; and the column above headed "Councillors" is to be headed "Aldermen." In Townships and Villages, the above column headed "Mayor and Reeve" is to be headed "Reeve." Where Controllers or Commissioners or Members of a Board of Education are to be elected, columns for these are to be added with appropriate headings.

1922, c. 72, Form 7.

FORM 8.

CERTIFICATE AS TO ASSESSMENT ROLL AND VOTERS' LIST.

Election to the Municipal Council of the
of

19

I A. B., Clerk of the Municipality of in the
county of hereby certify that the assess-
ment roll for this municipality upon which the voters' list to be
used at this election is based was finally revised on the
day of 19, and that the last day for making
complaint to the Judge with respect to the list was the
day of 19.

Dated this

day of

19

[Seal.]

A. B.,
Clerk.

1922, c. 72, Form 8.

FORM 9.

OATH TO BE ADMINISTERED TO A VOTER.

You swear (a)

1. That you are the person named or intended to be named by
the name of in the list (or
supplementary list) of voters (b) now shown to you.

2. That you are a natural born (or naturalized) subject of His
Majesty, and of the full age of twenty-one years.

3. That you are not a Citizen or subject of any foreign country.

4. That (c)

5. (In the case of a municipality not divided into wards) That
you have not voted before at this election at this or any other
polling place.

6. (Where the municipality is divided into wards and the election
is not by general vote) That you have not voted before at this
election at this or any other polling place in this ward, (or if the
election is by general vote) that you reside in this polling sub-
division (or are not entitled to vote in the polling subdivision
in which you reside or are not resident within the municipality,
as the case may be), and that you have not voted before or else-
where at this election, and will not vote elsewhere at this election
(d).

7. That you have not directly or indirectly received any reward
or gift, nor do you expect to receive any, for the vote which you
tender.

8. That you have not received anything, nor has anything been
promised you, directly or indirectly, either to induce you to vote
at this election, or for loss of time, travelling expenses, hire of
team, or any other service connected with this election.

9. That you have not directly or indirectly paid or promised
anything to any person to induce him to vote or to refrain from
voting at this election.

(a) *If the voter is a person who may by law affirm in civil cases, substitute for "swear," "solemnly affirm."*

(b) *In the case of a new municipality in which there has not been any assessment roll, instead of referring to the list of voters, the oath is to state the land in respect of which the person claims to vote.*

(c) *In the case of a person claiming to vote in respect of a freehold estate, insert here, "At the date of this election you are in your own right (or your wife is in her own right or your husband is in his own right) owner of land within this polling subdivision (or, in case of a ward, not divided into polling subdivisions, "within this ward");*

In the case of a person claiming to vote in respect of a leasehold estate, insert here, "That you were (or your wife was or your husband was) actually and truly in good faith possessed to your (or her or his) own use and benefit as tenant of the land in respect of which your name is entered on such list. That you are (or your wife is or your husband is) a tenant within this municipality, and that you have been a resident within it for one month next before this election;" (or, in the case of a new municipality for which there is no assessment roll, instead of the words "have been a resident within it for one month next before this election," insert "You are a resident of this municipality").

If the person claims to vote in respect of income, insert here: That on the _____ day of _____ 19____ (the day certified by the clerk as the date of the final revision of the assessment roll upon which the voters' list is based, or, at the option of the voter, the day certified by the clerk as the last day for making complaint to the Judge with respect to such list, A. B. were, and thenceforth have been continuously, and still are, a resident of this municipality, and that at that date and for the twelve months previously you were in receipt of an income from your trade, office, calling or profession of not less than four hundred dollars;

In the case of a person claiming to vote as a farmer's son, insert here That on the _____ day of _____ 19____ (the day certified by the clerk as the date of the final revision of the assessment roll upon which the voters' list is based, or, at the option of the voter, the day certified by the clerk as the last day for making complaint to the Judge with respect to such list) A. B. (naming him or her) _____ was actually, truly and in good faith possessed to his (or her) own use and benefit as owner (or as tenant under a lease the term of which was not less than five years), as you verily believe of the land in respect of which your name is entered on the voters' list; That you are a son (or a stepson) of the said A.B., and that you resided on the said land for twelve months next before the said day, and were not absent during that period except temporarily, and for not more than six months in all, and that you are still a resident of this municipality.

Where the voter is a leaseholder, and the voting is on a by-law under section 60 of The Local Improvement Act, add:

That you have, by the lease under which you hold, contracted, to pay all municipal taxes, including local improvement rates.

(d) *(In the case of a municipality divided into wards, if the by-law is one for creating a debt substitute for paragraph 6 the following):* 6. That you have not voted before on the by-law at this or any other polling place in this ward; (and in the case of any other by-law the following): 6. That you reside in this polling subdivision or are not entitled to vote in the polling subdivision in which you reside, or

are not resident within the municipality (*as the case may be*), and that you have not voted before elsewhere, and will not vote elsewhere on the by-law.

(Where the voter is a leaseholder, and the voting is on a by-law for creating a debt, add the following paragraph):

10. That the lease under which you hold extends for the period for which the debt or liability to be created by the by-law is to run, and you have contracted by the lease to pay all municipal taxes in respect of the land other than special assessments for local improvements.

Where the voting is on a by-law substitute for the words "at this election" the words "on the by-law"; and where the voting is on a question, substitute for the words "at this election" the words "on the question."

1922, c. 72, Form 9.

NOTE.—Where the voter is the nominee of a corporation the oath shall state the fact, and that the voter has not voted before on the by-law "at this or any other polling place," adding if the municipality is divided into wards "in this ward," and shall also contain paragraphs 1, 7, 8 and 9.

FORM 10.

DECLARATION OF INABILITY TO READ.

I, A. B., of _____, being numbered _____ on the voters' list for polling subdivision No. _____, in the City (*or as the case may be*) of _____, being a legally qualified elector for the City (*or, as the case may be*) of _____ declare that I am unable to read (*or that I am from physical incapacity unable to mark a ballot paper, or that I object on religious grounds to mark a ballot paper, as the case may be*).

(A. B., His X Mark.)

Dated this _____ day of _____, 19 _____.

1922, c. 72, Form 10.

NOTE.—If the person objects on religious grounds to mark a ballot paper, the declaration may be made orally and to the above effect.

FORM 11.

CERTIFICATE TO BE WRITTEN UPON OR ANNEXED TO THE DECLARATION OF INABILITY TO READ.

I, C. D., Deputy Returning Officer for polling subdivision No. _____ for the City (*or as the case may be*) of _____, hereby certify that the above (*or within*) declaration, having been first read to the above (*or within*) named A. B., was signed by him in my presence with his mark.

Dated this _____ day of _____, 19 _____.

C. D.

1922, c. 72, Form 11.

FORM 12.

OATH OF POLL CLERK OR MESSENGER WHERE THE DEPUTY RETURNING OFFICER IS UNABLE TO DELIVER THE BALLOT BOX TO THE RETURNING OFFICER.

I, _____ swear that I am the person to whom
Deputy Returning Officer for Polling Subdivision
No. _____, of the _____ of _____
entrusted the ballot box for the said polling subdivision to be
delivered to the Clerk; that the ballot box which I delivered to
the Clerk this day is the ballot box I so received; that I have not
opened it and that it has not been opened by any other person since
I received it from the Deputy Returning Officer.

Sworn before me at
this
day of _____ 19 _____

A. B.

1922, c. 72, Form 12.

FORM 13.

OATH OF DEPUTY RETURNING OFFICER AFTER CLOSING OF THE POLL.

I, A. B., Deputy Returning Officer for Polling Subdivision No. _____, of the City (or, as the case may be) of _____ in the County of _____, swear that, to the best of my knowledge and belief, the poll book kept for the said polling place under my direction has been kept correctly, that the total number of votes polled according to the said poll book is _____, and that it contains a true and exact record of the votes given at the said polling place, as the said votes were taken thereat; that I have correctly counted the votes given for each candidate, in the manner by law provided, and performed all duties required of me by law, and that the statement, voters' list, poll book, packets containing ballot papers, and other documents required by law to be returned by me to the Clerk, have been faithfully and truly prepared and placed in the ballot box, and are contained in the ballot box returned by me to the Clerk, which was locked and sealed by me, in accordance with the provisions of *The Municipal Act*, and remained so locked and sealed while in my possession.

Sworn before me at
in the County of _____
this _____ day of _____, 19 _____

A. B.

1922, c. 72, Form 13.

FORM 14.

OATH OF SECRECY.

I, A. B., swear that I will not at this election disclose to any person the name of any person who has voted, and that I will not in any way unlawfully attempt to ascertain the candidate or candidates for whom any elector shall vote or has voted, and will not in any way aid in the unlawful discovery of the same, and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted.

Sworn before me this
day of 19 .

A. B.

C. D.,
J.P., or as the case may be.

1922, c. 72, Form 14.

NOTE.—When the voting is on a by-law or question the form is to be adapted to that case.

FORM 15.

CERTIFICATE OF CLERK AS TO ELECTION OF REEVES AND DEPUTY REEVES.

I, A. B., of Clerk of the Corporation
of in the County of do
hereby, under my hand and the seal of the said Corporation, certify
that X. Y. was duly elected reeve (or first deputy reeve, or second
deputy reeve, or third deputy reeve, as the case may be) of the
said town (township or village, as the case may be), and has made
and subscribed the declaration of office and qualification as such
reeve (or first deputy reeve, or second deputy reeve, or third deputy
reeve, as the case may be).

A. B.

1922, c. 72, Form 15.

FORM 16.

DECLARATION OF OFFICE.

I, A. B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*insert name of office, or in the case of a person who has been appointed to two or more offices which he may lawfully hold at the same time*), that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the offices to which I have been elected (*or appointed*) in this municipality, and that I have not received, and I will not receive, any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office (*or offices*), and that I have not by myself or partner, either directly or indirectly, any interest in any contract with or on behalf of the said corporation (*where declaration is made by the clerk, treasurer, collector, engineer, clerk of works or street overseer, add the words following*) save and except that arising out of my office as clerk (*or my office as assessor or collector, as the case may be*).

1922, c. 72, Form 16.

FORM 17.

DECLARATION OF COMPTABLES.

I, A.B., do solemnly promise and declare that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) in this municipality, and that I have not received, and will not receive, any payment or reward, or promise thereof, for the exercise of any partiality or malversation or other undue execution of the said office.

1922, c. 72, Form 17.

FORM 18.

OATH OF RETURNING OFFICER, DEPUTY RETURNING
OFFICER AND POLL CLERK.

I, A. B., swear that I will truly, faithfully and impartially, to the best of my knowledge and ability, execute the office of (*inserting the name of the office*) in this municipality and that I have not received and will not receive any payment or reward or promise thereof for the due exercise of any partiality or malversation or other undue execution of the said office.

Sworn before me this
day of

19

1922, c. 72, Form 17a.

FORM 19.

DECLARATION OF AUDITOR.

I, A. B., having been appointed auditor for the municipal corporation of _____, promise and declare that I will faithfully perform the duties of that office according to the best of my judgment and ability; and I do solemnly declare that I had not, directly or indirectly, any share or interest in any contract or employment (except that of auditor, *if reappointed*) with, by or on behalf of such municipal corporation during the year preceding my appointment, and that I have not any such contract or employment except that of auditor, for the present year.

A. B.

1922, c. 72, Form 18.

FORM 20.

I, the undersigned, A. B., declare that I am an elector in this municipality, and that I am desirous of promoting (*or opposing, as the case may be*) the passing of the by-law to (*here insert object of the by-law*), submitted by the Council of this municipality (*or of voting in the affirmative, or in the negative, as the case may be*), on the question submitted.

Declared before me this
day of _____


19 . .

A. B.

1922, c. 72, Form 19.

FORM 21.

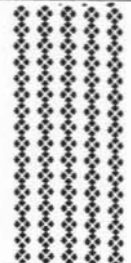
BALLOT PAPER FOR VOTING ON A BY-LAW.

19 Voting on By-law to (here insert object of the by-law) submitted by the Council of the	FOR. The By-Law.
		AGAINST. The By-Law.

1922, c. 72, Form 20.

FORM 22.

BALLOT PAPER FOR VOTING ON QUESTION.

19 Voting on the follow- ing question (<i>here state</i> <i>questions.</i>)	YES.
		NO.

1922, c. 72, Form 21.

FORM 23.

DIRECTIONS FOR THE GUIDANCE OF VOTERS IN VOTING.

The voter will go into one of the compartments, and with the pencil provided in the compartment, place a cross (thus X) on the right hand side, in the upper space if he votes for the passing of the by-law, or in the affirmative on the question, and in the lower space if he votes against the passing of the by-law, or in the negative on the question.


The voter will then fold up the ballot paper so as to show the name or initials of the Deputy Returning Officer (*or Returning Officer, as the case may be*) signed on the back, and leaving the compartment will, without showing the front of the paper to any person, deliver such ballot paper so folded to the Deputy Returning Officer (*or Returning Officer as the case may be*) and forthwith quit the polling place.

If the voter inadvertently spoils a ballot paper, he may return it to the Deputy Returning Officer (*or Returning Officer as the case may be*), who will, if satisfied of such inadvertence, give him another ballot paper.

If the voter places on the paper more than one mark, or places any mark on his ballot paper by which he may be afterwards identified, or if the ballot paper has been torn, defaced or otherwise dealt with by the voter so that he can thereby be identified, it will be void, and will not be counted.

If the voter takes a ballot paper out of the polling place, or deposits in the ballot box any other paper than the one given to him by the Deputy Returning Officer (*or Returning Officer, as the case may be*) he will be subject to imprisonment for any term not exceeding six months, with or without hard labour.

In the following form of Ballot Paper, given for illustration, the Elector has marked his ballot paper in favour of the passing of the By-law:

	Voting on By-law to (here insert object of the by-law) submitted by the Council of the of	FOR.	X
		The By-Law.	
		AGAINST.	
		The By-Law.	

1922, c. 72, Form 22.

FORM 24.

NOTICE ON PROMULGATION OF BY-LAW.

The above is a true copy of a by-law passed by the municipal council of the _____ of _____, 19____ on the _____ day of _____, 19____. And all persons are hereby required to take notice that anyone desirous of applying to have such by-law, or any part thereof, quashed, must make his application for that purpose to the Supreme Court of Ontario, within three months next after the first publication of this notice in the newspaper called the _____, or he will be too late to be heard in that behalf.

1922, c. 72, Form 23.

FORM 25.

NOTICE OF REGISTRATION OF BY-LAW.

Notice is hereby given that a by-law was passed by the _____ of _____ on the _____ day of _____, 19____, providing for the issue of debentures to the amount of \$ _____, for the purpose of _____, and that such by-law was registered in the registry office of _____ the county of _____ on the _____ day of _____, 19____. Any motion to quash or set aside the same or any part thereof must be made within three months after the first publication of this notice and cannot be made thereafter.

Dated the _____ day of _____, 19____

Clerk.

1922, c. 72, Form 24.